

**Security Council**Distr.: General
3 October 2016

Original: English

**Report of the Secretary-General on the United Nations
Organization Stabilization Mission in the Democratic
Republic of the Congo****I. Introduction**

1. The present report is submitted pursuant to paragraphs 50 and 52 of Security Council resolution 2277 (2016). It covers major developments that have occurred in the Democratic Republic of the Congo since my report of 28 June 2016 (S/2016/579) and progress made in the implementation of the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and provides an update on the degree of preparedness of MONUSCO with regard to addressing security risks and monitoring and reporting on human rights violations and abuses in the context of the upcoming elections.

II. Major developments**A. Political situation**

2. The national dialogue proposed by the President of the Democratic Republic of the Congo, Joseph Kabila, commenced on 1 September. The period leading up to the beginning of the dialogue was marked by continued tensions between the ruling coalition and significant segments of the opposition and civil society over the national dialogue and the electoral process. Divisions among and within political parties persisted, albeit with some nuances on the modalities and objectives of, and prerequisites for, the national dialogue. The issue of the facilitation of the dialogue remained divisive, with some opposition leaders rejecting the appointment by the African Union Commission of the former Prime Minister of Togo, Edem Kodjo, as the African Union Facilitator of the national dialogue and calling for a greater role for international partners in the facilitation.

3. On 29 June, on the eve of the celebration of the fifty-sixth anniversary of the independence of the Democratic Republic of the Congo, the President delivered an address to the nation, rejecting incessant foreign interference in the internal affairs of the country, urging the Facilitator to finalize consultations and launch the national dialogue as soon as possible and calling upon the population to participate in the upcoming voter registration process. On the same day, he promulgated the



amendment to the electoral law governing the voter registration process, which provides for the enrolment of those who have attained the legal age to vote since the holding of the general elections in 2011 and Congolese voters living abroad.

4. The polarized debate over respect for constitutional provisions continued. On 30 June, the leader of the opposition party Union pour la démocratie et le progrès social and the opposition coalition the Rassemblement des forces politiques et sociales acquises au changement, Etienne Tshisekedi, issued a statement stressing the need for presidential elections to be held within the constitutional time frame. On 6 July in Brussels, Mr. Tshisekedi and the presidential candidate Moïse Katumbi reportedly stated that the President should step down at the end of his term on 19 December in accordance with the Constitution. On 11 July, in remarks to the press, the Secretary-General of the ruling party Parti du peuple pour la reconstruction et la démocratie, Henri Mova, noted that there would be no transitional government after 19 December, given that the 11 May ruling of the Constitutional Court provided that, should elections be postponed, the President has legal grounds to remain in office until the assumption of duties of the President-elect. He indicated that the question of a third presidential term could be put before the people.
5. Both the ruling coalition and opposition platforms held political rallies to mobilize popular support for their positions regarding the national dialogue and the electoral process in Kinshasa and other cities. On 27 July, Mr. Tshisekedi returned to Kinshasa after a two-year absence for health reasons. He was welcomed by a significant number of supporters, estimated at 10,000 people.
6. On 29 July, the Majorité présidentielle organized a meeting attended by an estimated 65,000 supporters, calling for participation in the voter registration process and the national dialogue proposed by the President. The Secretary-General of the Parti du peuple pour la reconstruction et la démocratie and the Speaker of the National Assembly, Aubin Minaku, reiterated the importance of the national dialogue for peaceful elections.
7. On 31 July, a rally of the Rassemblement opposition platform took place in Kinshasa without incident and brought together supporters whose numbers were estimated at several tens of thousands of people. In his speech, the President of the Union pour la démocratie et le progrès social urged the National Independent Electoral Commission to announce, on 19 September, the organization of presidential and legislative elections to be held in November. He added that the Head of State would be guilty of high treason should he stay in office beyond the end of his second and final term in office, which ends on 19 December, and called for the release of all political prisoners as a precondition for participation in the dialogue.
8. Throughout the reporting period, my Special Representative for the Democratic Republic of the Congo and my Special Envoy for the Great Lakes Region engaged with a wide range of stakeholders in an effort to help to ease tensions and to create conditions conducive to the holding of an inclusive and credible national dialogue in support of the efforts of the Facilitator. Their engagement was part of the efforts of the support group to the African Union Facilitator, which was established on 4 July. The support group comprises my Special Envoy and my Special Representative, as well as representatives of the European Union, the International Conference on the Great Lakes Region, the

International Organization of la Francophonie and the Southern African Development Community. The support group held meetings in Kinshasa on 23 July and 4 August and carried out extensive consultations with Congolese stakeholders in Kinshasa from 2 to 5 August to support the launching of the national dialogue, in line with Security Council resolution 2277 (2016).

9. Following the presidential pardon of a number of prisoners on 22 July, the support group issued a communiqué on 23 July reiterating the importance of launching the national dialogue by the end of July and urging all Congolese stakeholders to take part in a dialogue within the framework of the Constitution, relevant legal instruments of the African Union and resolution 2277 (2016). It also endorsed launching the dialogue process on 26 July and the work of the preparatory committee on 30 July. At a press conference on 23 July in Kinshasa, the Facilitator announced that the work of the preparatory committee of the dialogue would commence on 30 July. On 24 July, the leader of the opposition coalition Rassemblement issued a statement rejecting the communiqué of the support group and recusing the Facilitator. The Rassemblement argued that its preconditions of the unconditional release of all political prisoners and the transformation of the support group into a group of facilitators had not been met. On 25 July, the Speaker of the National Assembly, Aubin Minaku, and the Spokesperson of the ruling Majorité présidentielle, André Atundu, rejected the statement and reaffirmed their support for the Facilitator. The African Union Commission Chairperson and the support group reaffirmed their support to the Facilitator on 26 July and 4 August, respectively.

10. Following démarches by the Facilitator, my Special Representative and my Special Envoy encouraged the Government to create an environment conducive to the holding of an inclusive dialogue, presidential pardons were granted to activists and human rights defenders, nine of whom were released from prison. Six members of the activist movements Filimbi and the Lutte pour le changement were among those released. Two media outlets affiliated with opposition leaders of the Mouvement de libération du Congo and the Union pour la nation congolaise were also reopened.

11. From 23 to 27 August, the preparatory committee held meetings and completed its work, which defined the agenda, venue and participants for the national dialogue and validated the road map of the national dialogue and the representation quota for each category of political stakeholder. Whereas some individual political parties and civil society organizations took part in the process, the opposition platforms Dynamique de l'opposition and Rassemblement boycotted the meetings. On 29 August in Kinshasa, Mr. Tshisekedi issued a communiqué on behalf of the Rassemblement calling upon the population to reject any outcome from the "pseudo-dialogue contravening the Sun City Agreement and the Constitution" and to take part in peaceful protests beginning 1 September. The communiqué also called upon the Congolese people to stage sit-in demonstrations on 19 September to call for the immediate announcement of the holding of presidential elections in November.

12. The question of participation in the national dialogue created some fissures within opposition coalitions. Divisions within the Dynamique de l'opposition platform emerged over participation in the dialogue process. Its initial hesitation notwithstanding, the Mouvement de libération du Congo eventually aligned itself

with the position of the Rassemblement, although some party representatives in the National Assembly decided to participate in the preparatory committee. The Union pour la nation congolaise decided to join the dialogue process and was subsequently expelled from the Dynamique de l'opposition. The Secretary-General of the Union pour la nation congolaise, Jean-Bertrand Ewanga, and its Deputy Secretary-General, Claudel-André Lubaya, resigned from their positions in protest of the decision of the party leader, Vital Kamerhe, to join the process. They were expelled from the party by its leadership on 3 September.

13. Divisions also surfaced within the leadership of the Union pour la démocratie et le progrès social, with the party leader Mr. Tshisekedi removing Bruno Mavungu as its Secretary-General on 11 August owing to a divergence of views with regard to the national dialogue. On 12 August, Mr. Mavungu announced that he had created a new party, the Union des démocrates pour la renaissance du Congo, whereas some members of the Union pour la démocratie et le progrès social et alliés parliamentary group in the National Assembly decided to take part in the dialogue process. On 29 August, a group of five political parties decided to leave the Rassemblement in protest of what they regarded as the undue influence of "so-called new opposition members", by which they meant the Groupe des sept, on Mr. Tshisekedi and the positions of the Rassemblement with regard to the national dialogue process. The dissident group formed the Front national coalition and announced that it would participate in the national dialogue.

14. Against this background of political tensions and posturing, the Conférence épiscopale nationale du Congo supported the efforts of the Facilitator by engaging a number of Congolese stakeholders to broaden participation in the dialogue. The President of the Republic of the Congo, Denis Sassou Nguesso, held several meetings in Brazzaville with stakeholders from across the political spectrum of the Democratic Republic of the Congo and the Facilitator in an effort to support a more inclusive dialogue. On 2 September, the President visited Kinshasa and held consultations with the President of the Democratic Republic of the Congo, members of the Rassemblement, my Special Representative and some members of the diplomatic corps. My Special Representative and my Special Envoy were in contact with the President of the Republic of the Congo to coordinate efforts aimed at making the dialogue process in the Democratic Republic of the Congo more inclusive and credible.

15. On 17 September, the National Independent Electoral Commission submitted to the Constitutional Court a request to postpone the elections, given that it was not in a position to announce the holding of presidential and legislative elections for November as envisaged in the Constitution.

16. On 19 September, opposition supporters held demonstrations in several cities across the Democratic Republic of the Congo, following calls by the Rassemblement for the holding of elections in November and demanding that the President of the Democratic Republic of the Congo step down by 19 December. Demonstrations in Kinshasa deteriorated into violence, with the police firing live ammunition and tear gas at demonstrators who reportedly tried to divert from the agreed itinerary and pelted stones at the police. The headquarters of several political parties affiliated with the Majorité présidentielle, including a local headquarters of the Parti du peuple pour la reconstruction et la démocratie, the President's party,

were set ablaze. According to investigations conducted by MONUSCO, at least 49 people, including at least one police officer, were killed and 127 people were injured, while security forces arrested approximately 299 demonstrators, journalists and human rights defenders across the country. On 20 September in Kinshasa, the headquarters of the Union pour la démocratie et le progrès social, the Mouvement de libération du Congo and the Forces novatrices pour l'union et la solidarité were attacked. Three people were killed and six were wounded when the headquarters of the Union pour la démocratie et le progrès social was set ablaze. Two government buildings were also reportedly vandalized and set ablaze.

17. The same day, France, the United States of America, the African Union, the European Union and the United Nations issued statements calling upon the security forces to exercise maximum restraint, stressing the need for the Government to ensure respect for fundamental human rights and urging political leaders to resolve their differences through dialogue and other peaceful means. MONUSCO engaged the authorities to stress the need to avoid the excessive use of force by the police and urge for the de-escalation of tensions. The Mission conducted day and night patrols to monitor the security and human rights situation.

18. In the light of the violent incidents in Kinshasa, on 19 September, the Facilitator suspended the talks at the national dialogue. On 20 September, the Conférence épiscopale nationale du Congo suspended its participation in the dialogue process, arguing that the prevailing circumstances were not conducive to dialogue. Delegates of the opposition also suspended their participation, citing similar reasons. On 23 September, the dialogue resumed briefly, with the participation of opposition leader Mr. Kamerhe. The Facilitator shared a draft agreement with participants. Talks at the dialogue remained suspended as at 29 September.

19. During the reporting period, the President undertook visits to several provinces, including Haut-Katanga, Maniema, North Kivu, Tanganyika and Tshopo. Whereas the visits to Lubumbashi, Haut-Katanga, Kalemie, Tanganyika, Kindu, Maniema, and Kisangani, Tshopo, served to mobilize support for the national dialogue and the voter registration processes, the visits to Beni, Buleusa, Butembo, Miriki, Goma and Rutshuru, North Kivu, aimed at addressing issues of insecurity and demonstrating the commitment of the Government to that end.

B. Electoral developments

20. The calendar for the voter registration process was on the agenda of the national dialogue, and progress was made with regard to the review of the legislative framework for the process and the preparations for the revision of the voter register. On 4 August, the President publicly stated that the revised electoral calendar would only be published upon completion of the voter registration process, a statement which led to criticism by the political opposition. According to the National Independent Electoral Commission, the voter registration process would last 16 months. The Dynamique de l'opposition and the Rassemblement issued statements, warning the Commission of the political risks relating to the postponement of elections beyond the constitutionally mandated deadlines.

21. On 31 July, the National Independent Electoral Commission launched the pilot phase of the voter registration process in Gbadolite, North Ubangi province, which is expected to be completed by late October. As at 30 August, nearly 120,000 voters had registered in 365 of 412 registration centres. The target set by the Commission is the registration of some 850,000 voters in the province. MONUSCO provided technical and logistical assistance during the pilot phase, including airlifting electoral materials and providing warehouse space. MONUSCO finalized its plan for supporting the revision of the voter register, which envisages the provision of technical assistance and logistical support for the distribution of nearly 22,000 registration kits to 16 hubs, 107 antennas of the Commission and 18,000 registration centres.

22. By 15 July, the Government had disbursed \$120 million of the total \$300 million pledged for 2016 to the National Independent Electoral Commission in support of preparations for the elections. The multi-partner basket fund for the *Projet d'appui au cycle électoral au Congo*, managed by the United Nations Development Programme, remained funded at only around 6 per cent of a budget of \$123.3 million required to support the electoral process.

C. Security situation

23. Armed violence in eastern Democratic Republic of the Congo continued to place civilians at risk, resulting in an increase in population displacement and insecurity. Joint MONUSCO-Forces armées de la République démocratique du Congo (FARDC) operations contributed to containing the violence, while cooperation with FARDC improved.

24. In Beni territory, North Kivu, recurring attacks against civilians were carried out by elements presumed to be members of the Allied Democratic Forces. On 5 July, unidentified armed elements believed to be members of that group, killed nine civilians in Tenambo village. FARDC troops launched an operation to engage the assailants, with the support of MONUSCO, reportedly killing eight of them. Clashes have continued between the armed forces and presumed Allied Democratic Forces elements, the latter at times dressed in FARDC uniforms, especially in the vicinity of the former stronghold of the group, known as the "triangle", in the Abyalose area and near Mayi-Moya. On 30 July, FARDC, with MONUSCO support, clashed with suspected Allied Democratic Forces elements east of Oicha. Two FARDC soldiers were killed and another two were wounded, and one MONUSCO peacekeeper was slightly injured. Three presumed elements of that group were killed and two were captured by FARDC. On 8 August, FARDC launched a coordinated operation with MONUSCO against the Allied Democratic Forces in the triangle area in Abyalose, during which five FARDC and one MONUSCO peacekeeper were injured. During the operation, one main camp of the group was captured and occupied by FARDC on 13 August. A MONUSCO helicopter was hit by three bullets while attempting a medical evacuation in the area but managed to land safely. MONUSCO was directly targeted, including on 4 August, when suspected Allied Democratic Forces elements fired a rocket-propelled grenade round towards the MONUSCO base in Semliki. As a result of the sustained pressure from the operations, Allied Democratic Forces elements continued to move north, including into Ituri province.

25. The most serious security incident took place on 13 August, when presumed Allied Democratic Forces elements massacred at least 50 civilians, including 15 women and 2 children, in the Rwangoma and Beni areas, on the border with Virunga National Park. The assailants, disguised as park rangers, established a barrier at the entrance of the park, near Paidi, where they detained, tied up and killed farmers returning to their homes. The assailants then proceeded towards Rwangoma, torching houses along the way and killing more civilians. FARDC and MONUSCO reinforced their positions in the Beni and Rwangoma areas the next day. A MONUSCO verification patrol was denied access to the site of the killings by an angry crowd protesting against what it considered to be inaction by MONUSCO. On 15 August, a senior MONUSCO team travelled to Rwangoma to assess the situation, followed on 16 August by a multidisciplinary team to review the response of the Mission. A high-level government delegation led by the Prime Minister, Augustin Matata Ponyo, visited Goma and Beni on 15 and 16 August to assess the situation and review the response of the national security forces to the threat of the Allied Democratic Forces. A meeting of the National Defence Council was held in Goma on 16 August. The FARDC hierarchy restructured the command of Operation Sukola I to improve the effectiveness of operations against the Allied Democratic Forces.

26. The massacres attributed to the Allied Democratic Forces sparked criticism from civil society and the political opposition against the Government and MONUSCO, which were accused of not doing enough to protect civilians. The killings also prompted popular protest. Youth and civil society groups rallied over 2,000 protestors, who staged demonstrations against the perceived lack of action from FARDC and MONUSCO and, on 17 August, marched from Butembo to Beni, where they clashed with police. At least two civilians and one police officer were killed, several civilians were shot and wounded by the police and at least 10 houses were burned down by the protesters. Authorities arrested at least 100 protestors, who were later released. The attacks triggered incidents of popular revenge but also retaliation by FARDC against civilians perceived to be collaborating with the assailants. Two women were burned alive by an angry crowd in Butembo, and six civilians were abducted and killed by FARDC in the Rwenzori area.

27. The Forces démocratiques pour la libération du Rwanda and allied elements remain a serious threat to civilians in North Kivu, notwithstanding the ongoing FARDC-led Operation Sukola II to neutralize them. Deepening tensions were reported within the group, with a split in the command structure following the creation of the Conseil national pour le renouveau et la démocratie, led by a former commander of the group, Wilson Iratageka. The split also led to violent confrontations between the two sides on 29 and 30 July around Bibwe, northwest of Kitshanga, in Rutshuru territory.

28. Inter-communal tensions remain an increasing source of violence in North Kivu. The continuing activity of the Forces démocratiques pour la libération du Rwanda, the growing presence of opposing Mayi-Mayi groups and fighting among various groups along ethnic lines fuelled the situation, contributing to an overall deterioration of the security situation and further displacement of the population. The violence mainly shifted from Walikale and Masisi territories into Rutshuru and Lubero territories, reflecting the deepening intercommunal conflict among the Hunde,

Hutu and Nande populations. From 3 to 8 August, in the area of Kiribizi, near Nyanzalé, in Rutshuru territory, North Kivu, attacks by Mayi-Mayi groups (mainly Mayi-Mayi Mazembé and Mayi-Mayi Nyatura) and the Forces démocratiques pour la libération du Rwanda on the civilian population along ethnic lines reportedly resulted in the death of five Hutu, two Hundé and 11 Nande civilians, the torching of more than 90 houses and the displacement of some 8.000 civilians, 300 of whom sought refuge in the area near a MONUSCO base in Rwindi.

29. The activities of Mayi-Mayi groups involved in illegal poaching activities and the exploitation of natural resources and the continuing trend of kidnapping for ransom by Mayi-Mayi and suspected Forces démocratiques pour la libération du Rwanda elements continued to drive insecurity in Rutshuru territory. On 13 and 14 July, in response to cooperation between Congolese security forces and MONUSCO that aimed at preventing illegal activities in Virunga National Park, Mayi-Mayi Charles elements fired at MONUSCO helicopters and burned down a FARDC post near the park.

30. In South Kivu, FARDC continued operations against Mayi-Mayi Raiya Mutomboki and other Mayi-Mayi groups in Fizi, Mwenga, Shabunda and Uvira territories. In Fizi territory, the combination of Forces démocratiques pour la libération du Rwanda activities and direct clashes between FARDC and armed elements crossing over from Burundi posed a particular threat to civilians. Although FARDC reported some progress against the major Mayi-Mayi groups during the reporting period, it has thus far not resulted in any significant disarmament. Illegal mining in Shabunda territory remains a source of instability owing to the involvement of armed groups operating in the area.

31. In Ituri province, elements of the Forces de résistance patriotique de l'Ituri continued to attack civilians and loot villages, with a total of 47 attacks against the population occurring during the month of July alone. FARDC operations against the group, with support from MONUSCO, resulted in the dismantling of 11 Forces de résistance patriotique de l'Ituri camps. In Mambasa territory, Hutu and Nande population movements from North Kivu, driven partially by the ongoing violence in Beni territory, fuelled inter-ethnic tensions. A new Mayi-Mayi coalition, the Union des patriotes pour la libération du Congo, was created and targeted isolated FARDC posts. In that context, the sporadic return of former combatants from Kamina and Kitona national disarmament, demobilization and reintegration camps to Ituri, North Kivu and South Kivu, without adequate support for community reintegration, presents serious security risks owing to the likelihood of re-recruitment by the Forces de résistance patriotique de l'Ituri and other groups.

32. In Bas-Uélé and Haut-Uélé, the Lord's Resistance Army was increasingly active owing to the continued infiltration of elements of the group from South Sudan and the Central African Republic. The increased presence of the Lord's Resistance Army in that area is in part owing to ongoing military pressure by the African Union regional task force within the framework of the African Union Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army in neighbouring countries. The Lord's Resistance Army continued to ambush and harass civilians along the two key axes of Dungu and Niangara territories and in Ango territory. The group released 18 abductees in Ango territory, and another one managed to escape. MONUSCO repatriated seven dependants of members of the

group to Uganda and South Sudan and handed over eight others to the International Committee of the Red Cross for tracing and repatriation.

33. On 15 August, the Mission was alerted to the presence of former first Vice-President of South Sudan, Riek Machar, inside the Garamba National Park in Haut-Uélé province, along with several hundred armed elements and some civilians. At the request of the Government, on humanitarian grounds, the Mission coordinated the extraction of Mr. Machar, his wife and his son, as well as 10 other individuals. Since then, MONUSCO has evacuated from the park some 755 elements of the Sudan People's Liberation Movement and the Sudan People's Liberation Army in Opposition who were considered to be in critical condition with regard to their health and has collected 134 weapons and ammunition. The Mission has handed over 117 individuals, including Mr. Machar, to the Congolese authorities. As at 20 September, a total of 633 individuals remained in MONUSCO facilities.

34. In Tanganyika province, there was a surge in Mayi-Mayi Kata Katanga activity and a significant shift in targeting of security forces and intensity of the attacks. At least 10 incidents were reported in July and 4 in August, including attacks against national police stations and FARDC posts during which six Mayi-Mayi were killed and six were captured and four civilians, one local chief and one national police officer were killed. There were also reports of a large number of children being recruited into the group on 31 July in Kyalwa village.

D. Protection of civilians and neutralization of armed groups

35. Cooperation with FARDC continued to improve following instructions by the FARDC hierarchy to the armed forces to cooperate with MONUSCO in order to work towards neutralizing all armed groups by December 2016.

36. MONUSCO increased its focus on the protection of civilians, in particular in the eastern Democratic Republic of the Congo, pursuing efforts to neutralize the main armed groups through a renewed emphasis on political action, enhanced analysis and targeted political and military strategies. The Mission carried out day and night patrols and joint assessment missions, as well as visits of joint protection teams to areas of concern in Bas-Uélé, Haut-Uélé, Ituri, North Kivu and South Kivu. MONUSCO intensified its efforts with regard to community liaison activities and early warning reporting by reinforcing analytical capacity, harnessing social media technologies and establishing two toll-free telephone lines for civilian alerts in the areas most affected by the activities of the Allied Democratic Forces. The Community Alert Network system transmitted an average of 225 early warning alerts per month, which represents an 18 per cent increase from the previous reporting period mainly owing to the increase in armed group activities and the ongoing military operations against the Allied Democratic Forces and the Forces démocratiques pour la libération du Rwanda. The Government and/or MONUSCO responded to nearly 90 per cent of the alerts. Those alerts not responded to were regarding areas with limited State capacity and/or no MONUSCO presence.

37. In the Beni area, North Kivu, the Mission continued to reinforce its analytical capacity through better integration among civilians and military and police personnel, which resulted in improved protection responses. This allowed for more

rapid MONUSCO reaction in support of FARDC to repel attempted attacks by suspected Allied Democratic Forces elements. On 30 July, a civilian alert from Oicha village prompted immediate action from FARDC, which quickly deployed to the area. MONUSCO provided support to the FARDC-led Usalama Operation in the Eringeti area in early August, with a view to dislodging the Allied Democratic Forces from key positions, including the group's camp "Garlic", and replacing them with an enduring FARDC protective presence. The Mission instituted new tactics, emphasizing the use of foot patrols to ensure better situational awareness and to provide a more frequent, visible presence in areas where civilians are at risk. Challenges persist, however, in terms of geographical coverage, mobility and information flow, resulting in limitations on the capacity of MONUSCO and the national security forces to reduce violence, instability, human rights violations and population displacement in eastern Democratic Republic of the Congo. In addition, the integrated strategy for the fight against urban insecurity in Beni was extended to include Oicha and subsequently replicated in Goma, Bunia and Uvira.

38. MONUSCO applied several measures to protect civilians and reduce the threat posed by the Forces démocratiques pour la libération du Rwanda in North Kivu and South Kivu, including through support to Operation Sukola II. Specifically, MONUSCO directly supported FARDC operations against elements of the armed group in Rutshuru territory, with the involvement of MONUSCO troops in Kanyabayonga and Nyanzale. In late June, MONUSCO provided air and ground support to operations against Forces démocratiques pour la libération du Rwanda positions in North Kivu. In addition, following the killing of nine civilians in Kibirizi in August, MONUSCO deployed temporarily to key areas to secure the civilian population.

39. In the context of rising inter-ethnic tensions, MONUSCO facilitated a number of high-level visits in the Buleusa area, including by the Head of State and the Minister of the Interior, following violence against internally displaced members of the Hutu community. This resulted in a reconciliation ceremony on 23 July. Efforts are ongoing to develop a comprehensive strategy with the humanitarian community to address key drivers of the conflict.

40. The United Nations Mine Action Service continued to support MONUSCO in the protection of civilians and its stabilization efforts through the destruction of 5,645 explosive remnants of war, 470 weapons and 21,608 rounds of small arms ammunition. The Service provided infrastructure for safe weapons storage, technical advice and weapons and ammunition management training to national police in Bukavu, South Kivu, and Bunia, Ituri.

E. Disarmament, demobilization, repatriation, resettlement and reintegration

41. Efforts under the Programme national de désarmement, démobilisation et réintégration III focused on returning former combatants to their communities, although with little preparation. Following the 15 June violence in the Kamina reinsertion camp, between late June and 23 July, the Government transferred 688 ex-combatants and their dependants from Kamina and Kitona reinsertion camps to communities in eastern Democratic Republic of the Congo. MONUSCO closely

monitored the return of ex-combatants with a view to minimizing the negative security impacts of this return. Tensions remain high among the 3,591 ex-combatants and their 559 dependants who remain in the two reinsertion camps, awaiting return to their communities.

42. Surrenders by elements of foreign armed groups, in particular the Forces démocratiques pour la libération du Rwanda, have remained at a relatively constant level since the previous reporting period. Since 29 June, 36 foreign combatants (31 Forces démocratiques pour la libération du Rwanda, 2 Lord's Resistance Army and 3 Nyatura), 2 children associated with armed groups and 64 dependants were repatriated. The recent split within the Forces démocratiques pour la libération du Rwanda seems not to have resulted in a surge in surrenders as it has largely served to strengthen the resolve of the remaining hard-core elements to stay and fight. Since 29 June, MONUSCO processed 37 Congolese combatants (6 Forces démocratiques pour la libération du Rwanda, 23 Nyatura and 8 Mayi-Mayi), 63 children associated with armed groups and 17 dependants.

43. MONUSCO continued to provide life support assistance to 1,322 Forces démocratiques pour la libération du Rwanda combatants and their dependants in transit camps at Kanyabayonga, North Kivu, and Walungu, South Kivu, as well as in the Government-run camp at Kisangani, Tshopo.

F. Consolidation of State authority and stabilization

44. MONUSCO pursued efforts to assist the Government through the implementation of provincial stabilization strategies and action plans, with funding from the Peacebuilding Fund and the Governments of the Netherlands, Norway and the United Kingdom of Great Britain and Northern Ireland. The establishment of governance mechanisms within the framework of the Stabilization Coherence Fund was evidence of the Government's continued engagement with the International Security and Stabilization Support Strategy, along with international partners and the United Nations. On 18 July, the South Kivu Trust Fund Board approved the stabilization programme for the Rusizi plains, Uvira territory. The provincial trust fund boards in North Kivu and South Kivu became operational, and the Ituri Trust Fund Board was established on 10 August. On 2 August, the Ministry of Planning approved the manual of operations for the Stabilization Coherence Fund, thus creating a basis for the transparent management of funds and the protection of donor investments.

45. On 8 August, MONUSCO established a working group to provide advisory and technical support to the Government in establishing a prison warden system, as envisaged in the national justice reform, and training a specialized police unit to ensure prison security for a three-year period. The Mission developed an action plan for the operationalization of the national interministerial body set up to establish a specialized prison police corps to address the rampant escapes and ensure safe custody of offenders.

G. Human rights situation

46. From 1 July to 31 August, MONUSCO registered 776 allegations of human rights violations. State agents were responsible for 480 allegations of human rights violations, resulting in the death of 51 civilians. Armed groups were responsible for 296 allegations of human rights violations, with 178 civilian deaths. MONUSCO documented 135 allegations of violations of human rights and fundamental freedoms linked to the restriction of the democratic space throughout the country, bringing the total to at least 563 violations since January 2016, which represents an increase of more than double compared with the 2015 statistics. During his first visit to the Democratic Republic of the Congo, from 18 to 21 July 2016, the United Nations High Commissioner for Human Rights echoed the concerns regarding the increasing trend towards the restriction of political space, while also noting the situation of political prisoners, the excessive use of force by the national police and the manipulation of justice, in particular in cases involving opposition leaders and civil society representatives. An increase in the targeting of human rights advocates was also noted during the reporting period.

47. No major incident was registered during the 27 July opposition demonstrations on the occasion of the return to Kinshasa of Mr. Tshisekedi. At least 18 supporters of the Union pour la démocratie et le progrès social, however, were arrested and subsequently released during similar events organized in other cities in the country.

48. MONUSCO continued to assist military justice authorities in carrying out investigations and prosecutions relating to serious crimes allegedly perpetrated by FARDC, the Police nationale congolaise and armed groups. During the period under review, in Gety, Ituri, MONUSCO provided support to mobile court hearings against 14 FARDC elements allegedly involved in human rights violations committed in 2013 and 2014 during military operations against the Forces de résistance patriotique de l'Ituri. MONUSCO also provided assistance to military justice authorities during two missions in Beni territory, North Kivu, aimed at investigating reports of human rights violations committed by suspected Allied Democratic Forces elements.

49. On 15 July, the Tribunal de grande instance in Buta, Bas-Uélé, resumed criminal hearings that had been pending for more than three years owing to an insufficient number of judges in the province. The Mission deployed advocacy efforts resulting in the nomination of two judges and provided support to the deployment of the President of the Tribunal from Kinshasa to Kisangani. In July, MONUSCO organized a series of capacity-building activities on arrest and detention for 124 judicial police officers, magistrates, lawyers and judges in Tanganyika and Tshopo provinces.

H. Sexual violence

50. Forty-three women, including 24 girls, were reported as victims of conflict-related sexual violence. State actors were responsible for 44 per cent of those abuses and armed groups for 56 per cent. FARDC soldiers reportedly accounted for 40 per cent of the violations, whereas elements of the Forces de résistance patriotique de l'Ituri, Mayi-Mayi Nyatura and Mayi-Mayi Raiya Mutomboki were allegedly responsible for 33 per cent, 9 per cent and 7 per cent, respectively.

51. MONUSCO assisted the FARDC Commission on the Fight against Sexual Violence with the dissemination and implementation of the FARDC action plan in Bas-Uélé, Haut-Uélé, Ituri, Maniema, North Kivu, South Kivu and Tshopo. Between 19 July and 11 August, MONUSCO supported the Commission in organizing four sensitization sessions on sexual violence targeting FARDC commanders from the third defence zone. A total of 200 FARDC commanders signed commitments to apply a policy of zero tolerance of sexual violence in their ranks, committing to take specific steps to prevent and respond to crimes of sexual violence in accordance with the FARDC action plan and the joint communiqué on the fight against sexual violence signed by the United Nations and the Government in March 2013.

I. Child protection

52. MONUSCO documented 155 grave violations of children's rights, which is a decrease compared with the previous reporting period, during which 589 cases were registered. A total of 115 children (104 boys and 11 girls) were separated or escaped from armed groups, compared with 495 children documented in the last reporting period. The main armed groups recruiting children were the Forces de résistance patriotique de l'Ituri (50 children), Mayi-Mayi Nyatura (16 children), the Union des patriotes pour la défense des innocents (10 children), the Forces démocratiques pour la libération du Rwanda-Forces combattantes Abacunguzi (9 children), Mayi-Mayi Yira (8 children) and Mayi-Mayi Raiya Mutomboki (6 children). Ten children formerly associated with armed groups were released from FARDC custody in North Kivu (8 children) and South Kivu (2 children).

53. The Bukavu military tribunal sentenced a member of the child protection unit of the Police nationale congolaise to ten years' imprisonment for raping an eight-year-old girl.

J. Humanitarian situation

54. The humanitarian situation continued to deteriorate in eastern Democratic Republic of the Congo owing to armed group activity and increasing intercommunal violence. The estimated number of people in need of humanitarian assistance remained at 7.5 million, including some 1.7 million internally displaced persons. Nearly 367,000 people were newly displaced in the first half of 2016, 38 per cent of which were in North Kivu. As at 31 July, there were some 388,000 refugees and asylum seekers in the country, including approximately 245,000 from Rwanda, 95,000 from the Central African Republic, 30,000 from Burundi and 15,700 from South Sudan.

55. Insecurity remained a major obstacle to humanitarian access in eastern Democratic Republic of the Congo and continued to impact the delivery of assistance to people in need. There were reports of several ambushes of vehicles belonging to non-governmental organizations and kidnappings by armed groups. The number of incidents against humanitarian workers has increased by 16 per cent since 2015.

56. As at 31 August 2016, the Humanitarian Response Plan of \$690 million remained funded at 43 per cent, amounting to a total of \$295 million, a situation that affects the humanitarian response.

K. Economic situation

57. MONUSCO documented a downward macroeconomic trend owing to a decrease in commodity prices, resulting in a scarcity of financial resources, which is particularly felt at the provincial level. Civil servants from South Kivu province had not received their salaries in eight months, whereas a 50 per cent reduction in wages was announced in Kongo Central on 24 August. Financial problems also prevented the inauguration of the government in Tshopo. The Congolese franc continued to depreciate by roughly 0.7 per cent in July, with signs of stabilization observed as at 8 August. Projections of annual inflation rates were estimated at 3.2 per cent, against a target of 4.2 per cent. The steepest increase in prices was reported in telecommunications.

L. Regional developments

58. The President pursued efforts to maintain and improve diplomatic ties at the regional level. He met with his Ugandan and Rwandan counterparts on 4 and 12 August, respectively, to reinforce bilateral cooperation, including with regard to the fight against the Allied Democratic Forces and the Forces démocratiques pour la libération du Rwanda, and expedite the repatriation of former Mouvement du 23 mars combatants.

59. My Special Envoy for the Great Lakes Region, the guarantors of the Peace, Security and Cooperation Framework and representatives of the National Oversight Mechanism pursued efforts to advance the implementation of the Nairobi Declarations. Particular emphasis was placed on addressing the delayed repatriation of former Mouvement du 23 mars elements, empowering women to effectively participate in the implementation of the Framework and strengthening regional ties to facilitate the national dialogue and the neutralization of armed groups.

60. On 27 June, the National Oversight Mechanism organized a technical assessment meeting, in the presence of a Mouvement du 23 mars delegation, to harmonize views on the release of the group's prisoners, including the list of those subject to amnesty, and discuss preliminary steps for developing a timeline for the implementation of the Nairobi Declarations. On 14 July, the coordinator of the National Oversight Mechanism, François Muamba, resigned and the deputy coordinator, Léon Engulu, replaced him.

61. On 20 July, ministers of defence of the International Conference on the Great Lakes Region convened in Nairobi to review progress and identify challenges relating to the neutralization of negative forces in eastern Democratic Republic of the Congo and the region and reinforce their common strategy to address illegal cross-border trade by armed groups. On 1 and 2 September, defence ministers from the Democratic Republic of the Congo, Kenya, Tanzania and Uganda met in Kampala, under the auspices of the secretariat of the International Conference, to formulate a joint follow-up mechanism to address the threat posed by the Allied Democratic Forces.

III. Deployment of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and implementation of its mandate

A. Strategic dialogue and development of an exit strategy for the Mission

62. MONUSCO continued to work with the Government to advance the development of a conditions-based approach to the eventual drawdown and exit of the Mission. The development of a one-year technical agreement on cooperation between the Mission and FARDC contributed to strengthening the planning and conduct of coordinated military operations with MONUSCO support in accordance with the human rights due diligence policy. Progress has also been made in the development of joint programming between the Mission and the United Nations country team, which is a core component of the United Nations transition plan in the Democratic Republic of the Congo.

B. Transformation of the force

63. Progress was made in relation to the redeployment of the force in North Kivu to better respond to threats posed by armed groups and efficiently protect civilians, including through the establishment of a reserve capability in Goma and the redeployment of the Force Intervention Brigade from Lubero and Miriki to the Beni area. Capability deployment continues to be pursued through preparations for the establishment of rapidly deployable battalions located in North Kivu and South Kivu. Although part of the equipment for the first rapidly deployable battalion is still pending delivery, some elements were positioned in Bijombo, South Kivu, for a two-week period, in response to inter-ethnic tensions between the Bafuliro and Banyamulenge ethnic groups. Planning continues for the induction of the second rapidly deployable battalion in February 2017, and a review will be conducted before the end of 2016. The force continued preparations for a phased transformation of military engineering companies to achieve greater effectiveness through a leaner structure with integral force protection capability.

C. Preparations for the elections

64. MONUSCO continued to reinforce its monitoring and reporting capacity on human rights violations and restrictions on political space throughout the reporting period, while improving overall preparedness to prevent, mitigate and appropriately respond to elections-related violence. The Mission focused its efforts on prevention, prioritizing such efforts as providing support to political processes and promoting an environment that contributes to a peaceful and credible electoral process.

65. In that regard, my Special Representative and my Special Envoy continued to use their good offices to promote dialogue among all stakeholders, which remains the most important avenue for reducing the likelihood of violence and political instability in the coming months. The Mission's advocacy efforts for the respect of

constitutional rights, fundamental freedoms and human rights targeted local and provincial government actors, security forces and civil society, including key women's and youth groups. The Mission pursued efforts to establish mobile civilian monitoring and reporting teams in Kinshasa, Goma and Lubumbashi that would be available to deploy on short notice to areas deemed to be at a high risk of electoral violence and those areas that have no MONUSCO footprint.

66. The Mission continued to strengthen the capacity of the national police in managing public order without resorting to lethal force and raise awareness of the importance of respect for human and constitutional rights. MONUSCO provided support to a sensitization programme launched on 1 July on the role of the Inspectorate General of the national police, which is expected to monitor crowd control units during the electoral period. As a result of MONUSCO advocacy, the Government issued a ministerial order prohibiting the use of lethal weapons in the context of managing public order.

67. The Mission continued to update its contingency plans for responding to deteriorating situations, within available resources, while factoring in deployment limitations and its insufficient presence in western Democratic Republic of the Congo. MONUSCO plans include moving civilian and uniformed personnel and assets to hotspots as required, within existing resources, while bearing in mind the impact on the delivery of mandated tasks and operations. MONUSCO also updated its risk analysis for elections-related violence.

IV. Safety and security of United Nations personnel

68. MONUSCO assessed that its support to FARDC-led operations against armed groups did not lead to any significant increases in threats to United Nations personnel and installations. Forty-eight significant security-related incidents were reported involving United Nations personnel in the country, of which 16 were hazard and safety-related. On 8 July, one MONUSCO staff member was abducted near Katweguru in Rutshuru territory and held for 12 days in poor conditions before being released.

V. Serious misconduct, including sexual exploitation and abuse

69. MONUSCO continued to implement robust preventive and enforcement actions to address sexual exploitation and abuse among its personnel. Prevention activities focused on raising awareness of my policy of zero tolerance of sexual exploitation and abuse among Mission personnel and local communities through effective training and sensitization. Around 3,000 members of high-risk communities in Bukavu, Bunia, Goma, Mavivi and Uvira were sensitized on the adverse impact of sexual exploitation and abuse. MONUSCO conducted 15 risk assessments, 35 training sessions for new personnel, seven outreach activities of the community-based complaint networks in Bukavu, Bunia, Goma, Sake and Uvira, and two workshops in Goma and Kinshasa for uniformed personnel.

VI. Observations

70. I am deeply concerned about the impasse in the electoral process, rising political tensions and related incidents. I condemn in the strongest terms the violence that marred demonstrations staged by the opposition on 19 and 20 September and resulted in the loss of life and the destruction of property. I reiterate my call for all political leaders and their supporters to refrain from any further violence that could exacerbate the situation. I call upon the Congolese authorities to exercise restraint in their response to protests and to abide by the principles of necessity and proportionality. Perpetrators or instigators of violence will need to answer for their actions. I urge all political leaders to address their differences peacefully and through dialogue, in line with Security Council resolution 2277 (2016). In that regard, I commend the steps taken by the Government, the African Union Facilitator of the national dialogue and other international partners to help unblock the process. I welcome the presidential pardon and subsequent ministerial decisions on the release of a number of civil society activists, human rights defenders and political figures and reopen two media outlets affiliated with the opposition and the engagement of the President with citizen activists. I urge the Government to adopt further confidence-building measures aimed at creating conditions conducive to continued dialogue.

71. Dialogue should be a continuous process. A sustained dialogue involving all major political stakeholders that put the interests of the nation and its people first remains the only means for reaching the necessary consensus to allow for credible elections to be held and would avoid the escalation of tensions and violence. I urge the political groups who have not yet joined the process to play a constructive role that contributes to the holding of timely and credible elections.

72. It is the primary responsibility of the Government and all concerned stakeholders to maintain peace and stability in the Democratic Republic of the Congo and preserve the hard-won gains made in recent years. The Congolese people have suffered enough. MONUSCO has continued to develop and regularly review contingency plans for addressing potential political and security risks linked to the electoral process, however, a major deterioration in the situation would require a response that is beyond the capacity of the Mission. I call upon the Government, political leaders across the spectrum and concerned international and regional partners to ensure that the increasingly tense political situation in the country is managed through peaceful means and dialogue. Dealing with the consequences of a major political crisis and the suffering that this would inflict upon the civilian population would be far more costly than prompt and decisive preventive action, while there is still time to come to a compromise, find solutions and avoid violence. It is essential that all political leaders show a sense of responsibility. The United Nations stands ready to support such efforts and my Special Representative will continue to engage with all stakeholders in that regard.

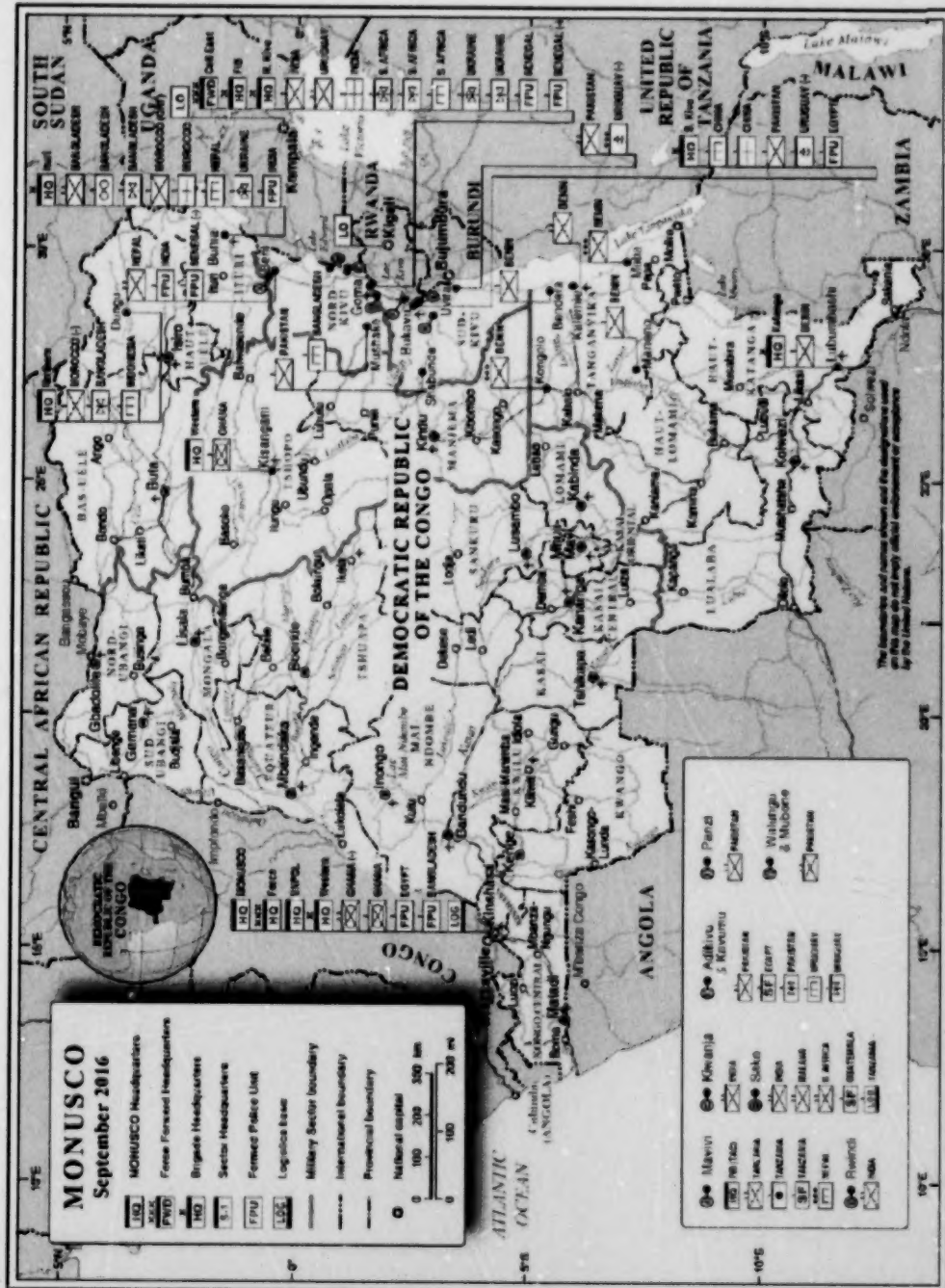
73. I am profoundly concerned about reports of increasing violations of fundamental civil and political rights by State actors. They include violations of freedom of expression and of peaceful assembly — rights anchored in the binding international treaties to which the Democratic Republic of the Congo is party and enshrined in the Constitution of the Democratic Republic of the Congo. Respect for the human

rights of all people is at the core of any inclusive, credible dialogue. People must be able to express their views and work together without fear of retribution by the security forces or judicial authorities. I encourage the Government to continue bringing perpetrators of human rights violations to justice, in line with its commitment to end impunity.

74. I am also concerned about the situation in eastern Democratic Republic of the Congo, especially in North Kivu where urgent action is needed to avoid further deterioration. I condemn the brutal killings perpetrated in the Beni area by suspected Allied Democratic Forces elements. Such continued attacks on civilians, FARDC and MONUSCO are reprehensible and have devastating consequences for the civilian population. It is therefore imperative that the national authorities take robust political action and deploy the security forces in a determined effort to address the threat posed by armed groups. I welcome the engagement and efforts of the President and senior government officials to foster closer cooperation with the Ugandan and Rwandan authorities in addressing the threat posed by some armed groups. I am encouraged by the improved cooperation between FARDC and MONUSCO in that area.

75. The process of disarmament, demobilization and reintegration remains at the heart of peacekeeping efforts, not only in bringing stability to areas affected by conflict, but in addressing the threat posed by armed groups. More needs to be done to provide former combatants with alternative livelihoods and prevent them from taking up weapons again. To that end, I encourage closer cooperation between the Government, MONUSCO and the World Bank to ensure the smooth transition of former combatants from the reinsertion camps at Kamina and Kitona to the reintegration phase. I call upon the Government to take additional steps to minimize the risk of further violence in the camps and in the communities to which former combatants are returning.

76. I am grateful to my Special Representative for the Democratic Republic of the Congo for his leadership in implementing the Mission's mandate. I also wish to extend my appreciation to all staff members of MONUSCO and the specialized agencies, funds and programmes of the United Nations system for their commitment to promoting peace and stability in the country. I am appreciative of the work of all troop- and police-contributing countries, bilateral partners and other international and regional partners, which continue to provide invaluable support to the Democratic Republic of the Congo.



**General Assembly
Security Council**Distr.: General
3 October 2016

Original: English

**General Assembly
Seventy-first session
Agenda items 32 and 37****Security Council
Seventy-first year****Protracted conflicts in the GUAM area and their
implications for international peace, security
and development****The situation in the occupied territories of Azerbaijan****Letter dated 29 September 2016 from the Permanent
Representative of Azerbaijan to the United Nations addressed to
the Secretary-General**

Upon instructions from my Government, I have the honour to convey herewith the records of the violations of the ceasefire by the Republic of Armenia in August 2016 (see annex).^{*} During the reporting period, Armenia violated the ceasefire regime 486 times and continued the usage of large-calibre guns and heavy weaponry from its positions in the occupied territories of the Republic of Azerbaijan and from its own territory.

The continuous occupation of a large part of the territory of the Republic of Azerbaijan by the armed forces of Armenia remains the main obstacle to the settlement of the conflict and the only source of the escalation of the situation on the front line and of occurrences of hostilities and casualties.

The sooner the Republic of Armenia withdraws its troops from the occupied territories of the Republic of Azerbaijan, the sooner peace and stability can be restored in the region.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 32 and 37, and of the Security Council.

(Signed) Yashar T. Aliyev
Ambassador
Permanent Representative

^{*} The annex is being circulated in the language of submission only.



Annex to the letter dated 29 September 2016 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Violations of the ceasefire by the armed forces of the Republic of Armenia for August 2016*

<i>Date (week)</i>	<i>Direction (locality)</i>	<i>Weapons used</i>	<i>Number of ceasefire violations</i>	<i>Casualties and damage</i>
1-8 August	Gulustan village (Goranboy district, Azerbaijan)	DShK/PKM	2	
	Talysh village (Goranboy district, Azerbaijan)	AK	1	
	Tapgaragoyunlu village (Goranboy district, Azerbaijan)	AK/PK	11	
	Talysh and Zeyva villages (Goranboy district, Azerbaijan)	PKM/DShK	2	
	Unnamed heights of Goranboy district, Azerbaijan	AK/DShK/PK	5	
	Merzili village (Aghdam district, Azerbaijan)	AK	1	
	Jerabert and Karmiravan villages (Tartar district, Azerbaijan)	AK/PK	10	
	Seysulan and Gapanli villages (Tartar district, Azerbaijan)	SVD	1	
	Kuropatkino and Minakhorlu villages (Khojavand district, Azerbaijan)	AK/PKM	8	
	Unnamed heights of Khojavand district, Azerbaijan	AK	1	
	Ashaghy Seyidahmedli and Alykhanly villages (Fizuli district, Azerbaijan)	AK/SVD	4	
	Garakhanbeyli village (Fizuli district, Azerbaijan)	RPG	1	
	Horadz village (Fizuli district, Azerbaijan)	AK	2	
	Ashaghy Abdurrahmanly village (Fizuli district, Azerbaijan)	PKM/AK	10	
	Garvand and Alkhanly villages (Fizuli district, Azerbaijan)	PKM	3	
	Unnamed heights of Fizuli district, Azerbaijan	AK	4	
	Yukhary Abdurrahmanly and Shukurbayly villages (Fizuli district, Azerbaijan)	AK	5	
	Jojug Marjanly village (Jabrayil district, Azerbaijan)	RPG/PKM/AK	5	
	Lala-Ilahy village (Jabrayil district, Azerbaijan)	AK	2	
	Unnamed heights of Jabrayil district, Azerbaijan	AK	1	

Abbreviations: AK, Kalashnikov assault rifle; AKM, modernized Kalashnikov assault rifle; DShK, heavy machine gun; OSV-96, semi-automatic sniper rifle; PK, Kalashnikov machine gun; PKM, modernized Kalashnikov machine gun; RPG, handheld anti-tank grenade launcher; SVD, sniper rifle.

* Settlements of the Republic of Azerbaijan included in this information are under occupation by the Republic of Armenia or situated close to the fire point areas.

<i>Date (week)</i>	<i>Direction (locality)</i>	<i>Weapons used</i>	<i>Number of ceasefire violations</i>	<i>Casualties and damage</i>
9-16 August	Bala Jafarli and Garapapagly villages (Gazakh district, Azerbaijan)	PKM	4	
	Gaymagly village (Gazakh district, Azerbaijan)	OSV-96/PK	5	
	Gushchu Ayrum village (Gazakh district, Azerbaijan)	AK/AKM	2	
	Gyzylhajyly village (Gazakh district, Azerbaijan)	AK	2	
	Kemerli village (Gazakh district, Azerbaijan)	PKM	2	
	Musakoy village (Gazakh district, Azerbaijan)	PK	2	
	Aghbulag village (Tovuz district, Azerbaijan)	AK	1	
	Aghdam village (Tovuz district, Azerbaijan)	AKM	1	
	Kyran village (Tovuz district, Azerbaijan)	PKM	1	
	Kokhanabi village (Tovuz district, Azerbaijan)	AK	2	
	Muncuglu village (Tovuz district, Azerbaijan)	AK	1	
	Kohna Gyshlag village (Aghstafa district, Azerbaijan)	AK	1	
	Unnamed heights of Aghstafa district, Azerbaijan	AK	1	
	Alakhanchally village (Dashkesen district, Azerbaijan)	DShK/AK/PKM	3	
	Unnamed heights of Gazakh district, Azerbaijan	AK	3	
	Unnamed heights of Goygol district, Azerbaijan	AK	4	
	Shynykh village (Gedebey district, Azerbaijan)	DShK	1	
	Unnamed heights of Gedebey district, Azerbaijan	SVD/AK/DShK/PK	4	
	Gulustan village (Goranboy district, Azerbaijan)	AK	1	
	Tapgaragoyunlu village (Goranboy district, Azerbaijan)	AK/PK	9	
	Talysh and Zeyva villages (Goranboy district, Azerbaijan)	PKM	3	
	Talysh and Seyidimli villages (Goranboy district, Azerbaijan)	AK	2	
	Unnamed heights of Goranboy district, Azerbaijan	DShK/PKM/PK/AK	18	
	Garadaghly village (Beylagan district, Azerbaijan)	AK	4	
	Merzili village (Aghdam district, Azerbaijan)	AK	1	
	Chayly village (Tartar district, Azerbaijan)	AKM/AK	4	
	Karmiravan village (Tartar district, Azerbaijan)	AK/DShK/AK	7	
	Kuropatkino village (Khojavand district, Azerbaijan)	AK	4	
	Unnamed heights of Khojavand district, Azerbaijan	PK/AK	5	
	Ashaghy Seyidahmedli and Alykhanly villages (Fizuli district, Azerbaijan)	AK	4	
	Garakhanbeyli village (Fizuli district, Azerbaijan)	AK/PKM	3	
	Horadiz village (Fizuli district, Azerbaijan)	AK	2	
	Ashaghy Abdurrahmanly villages (Fizuli district, Azerbaijan)	AK/PKM/PK	14	

<i>Date (week)</i>	<i>Direction (locality)</i>	<i>Weapons used</i>	<i>Number of ceasefire violations</i>	<i>Casualties and damage</i>
17-24 August	Unnamed heights of Fizuli district, Azerbaijan	AK	1	
	Mehdili and Jojug Marjanly villages (Jabrayil district, Azerbaijan)	AK/PK	8	
	Unnamed heights of Jabrayil district, Azerbaijan	AK/PK	6	
	Farahli village (Gazakh district, Azerbaijan)	AKM/AK	4	
	Gaymagly village (Gazakh district, Azerbaijan)	PKM/AK/OSV-96	14	
	Gyzylhajly village (Gazakh district, Azerbaijan)	AK	1	
	Kemerli village (Gazakh district, Azerbaijan)	AK	1	
	Kokhanabi village (Tovuz district, Azerbaijan)	AK	4	
	Muncuglu village (Tovuz district, Azerbaijan)	AK	2	
	Kohna Gyshlag village (Aghstafa district, Azerbaijan)	AK	1	
	Unnamed heights of Gazakh district, Azerbaijan	AK/PK	10	
	Unnamed heights of Gedebe district, Azerbaijan	DSHK/SVD/AK	3	
	Gulustan village (Goranboy district, Azerbaijan)	DSHK/PKM/AK	4	
	Talysh and Tapgaragoyunlu villages (Goranboy district, Azerbaijan)	PKM/AK	5	
	Unnamed heights of Goranboy district, Azerbaijan	DSHK/AK/PKM	13	
	Bash Garvand village (Aghdam district, Azerbaijan)	AK	1	
	Gyamaddinly village (Aghdam district, Azerbaijan)	AK	1	
	Merzili village (Aghdam district, Azerbaijan)	PKM	1	
	Saryjaly village (Aghdam district, Azerbaijan)	AK	1	
	Yusifjanly and Giyamaddinli villages (Aghdam district, Azerbaijan)	AK	4	
	Chayly village (Tartar district, Azerbaijan)	AK	4	
	Jerabert and Karmiravan villages (Tartar district, Azerbaijan)	AKM/AK	5	
	Levonarkh village (Tartar district, Azerbaijan)	PKM/AK	2	
	Seysulan and Gapanli villages (Tartar district, Azerbaijan)	AKM	3	
	Unnamed heights of Khojavand district, Azerbaijan	AK	5	
	Ashaghy Seyidahmedli and Alykhanly villages (Fizuli district, Azerbaijan)	AK	5	
	Garakhanbeyli village (Fizuli district, Azerbaijan)	AK	5	
	Horadiz village (Fizuli district, Azerbaijan)	AK/PKM	2	
	Ashaghy Abdurrahmanly village (Fizuli district, Azerbaijan)	AK/PKM	4	
	Unnamed heights of Fizuli district, Azerbaijan	AK	4	
	Korgan and Shukurbayli villages (Fizuli district, Azerbaijan)	AK	2	
	Mehdili and Jojug Marjanly villages (Jabrayil district, Azerbaijan)	AK	3	

<i>Date (week)</i>	<i>Direction (locality)</i>	<i>Weapons used</i>	<i>Number of ceasefire violations</i>	<i>Casualties and damage</i>
25-31 August	Unnamed heights of Jabrayil district, Azerbaijan	AK	1	
	Gaymagly village (Gazakh district, Azerbaijan)	AK	1	
	Ashagy Askipara village (Gazakh district, Azerbaijan)	AK	1	
	Bala Jafarli village (Gazakh district, Azerbaijan)	PKM	2	
	Farahli village (Gazakh district, Azerbaijan)	AKM/AK/PKM	3	
	Musakoy village (Gazakh district, Azerbaijan)	PKM	2	
	Garalar village (Tovuz district, Azerbaijan)	DShK/PK/AK	3	
	Kokhanabi village (Tovuz district, Azerbaijan)	AK	2	
	Shikheybat village (Tovuz district, Azerbaijan)	PK	1	
	Unnamed heights of Dashkesen district, Azerbaijan	AK	2	
	Unnamed heights of Gazakh district, Azerbaijan	AK	3	
	Unnamed heights of Gedebe district, Azerbaijan	AK	1	
	Gulustan village (Goranboy district, Azerbaijan)	PKM/AK	2	
	Talysh and Tapgaragoyunlu villages (Goranboy district, Azerbaijan)	AKM/PKM	12	
	Talysh and Zeyva villages (Goranboy district, Azerbaijan)	PKM	1	
	Unnamed heights of Goranboy district, Azerbaijan	AKM/PKM	9	
	Javahirli village (Aghdam district, Azerbaijan)	AK	2	
	Novruzlu village (Aghdam district, Azerbaijan)	AK	2	
	Saryjaly village (Aghdam district, Azerbaijan)	AK	1	
	Borsunlu village (Tartar district, Azerbaijan)	AK	4	
	Chayly village (Tartar district, Azerbaijan)	AK/PKM/DShK	10	
	Jerabert and Karmiravan villages (Tartar district, Azerbaijan)	AK/AKM	3	
	Kuropatkino and Minakhorlu villages (Khojavand district, Azerbaijan)	AK/DShK	12	
	Chakhyrly village (Jabrayil district, Azerbaijan)	AK/ROP	3	
	Unnamed heights of Jabrayil district, Azerbaijan	AK	3	
	Ashagy Seyidahmedli and Alykhanly villages (Fizuli district, Azerbaijan)	AK	12	
	Garakhanbeyli village (Fizuli district, Azerbaijan)	AK/PKM	6	
	Horadiz village (Fizuli district, Azerbaijan)	AKM	6	
	Horadiz and Ashagy Abdurrahmanly villages (Fizuli district, Azerbaijan)	AK	5	
	Shukurbayli and Yukhary Abdurrahmanly villages (Fizuli district, Azerbaijan)	AK	2	
	Unnamed heights of Fizuli district, Azerbaijan	AK	1	
	Bala Jafarli village (Gazakh district, Azerbaijan)	AKM/PKM	2	
	Gaymagly village (Gazakh district, Azerbaijan)	PKM/AK	3	

A/71/424
S/2016/834

<i>Date (week)</i>	<i>Direction (locality)</i>	<i>Weapons used</i>	<i>Number of ceasefire violations</i>	<i>Casualties and damage</i>
	Gushchu Ayruin village (Gazakh district, Azerbaijan)	AK	3	
	Alibayli village (Tovuz district, Azerbaijan)	DSHK/AK	3	
	Kemerli village (Tovuz district, Azerbaijan)	OSV-96/AK	3	
	Kokhanabi village (Tovuz district, Azerbaijan)	AK/PKM	5	
	Seysulan and Gapanli villages (Tartar district, Azerbaijan)	AK	4	
	Kohna Gyshlag village (Aghstafa district, Azerbaijan)	AK	2	
	Unnamed heights of Gazakh district, Azerbaijan	AK	2	
	Unnamed heights of Gedebe district, Azerbaijan	AKM/PK	8	
	Unnamed heights of Tovuz district, Azerbaijan	AK	2	
	Unnamed heights of Tartar district, Azerbaijan	AK	2	

**Security Council**

Distr.: General
3 October 2016

Original: English

Letter dated 3 October 2016 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith an aide-memoire from the Permanent Mission of the Republic of the Sudan to the United Nations on access for the African Union-United Nations Hybrid Operation in Darfur and United Nations agencies to all areas in Darfur (see annex).

I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(Signed) Omer Dahab Fadl Mohamed
Permanent Representative

16-17076 (E) 051016



Please recycle



Annex to the letter dated 3 October 2016 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Access for the African Union-United Nations Hybrid Operation in Darfur and United Nations agencies to all areas in Darfur

Aide-memoire

The present aide-memoire is circulated by the Permanent Mission of the Republic of the Sudan to the United Nations to provide much-needed information and updates on access to Darfur for the African Union-United Nations Hybrid Operation in Darfur (UNAMID), which was deployed in 2007, and for other United Nations agencies. During the course of 2015 and until the end of September 2016, the issues of visas and the customs clearance of items imported by UNAMID, especially imports of foodstuff, took prominence in the successive reports of UNAMID and the Department of Peacekeeping Operations to the Security Council. Now, having addressed those issues satisfactorily, thanks to the operationalization of the joint working mechanism that, together with the joint working group, had been delayed on the ground and in New York for a considerable amount of time, the issue of access is presently being continually hammered on and emphasized. This would definitely and adversely impact on meaningful negotiations on the exit of the mission from Darfur, as stipulated in Security Council resolution 1769 (2007). The agreement reached by the joint working group, comprising the Government of the Sudan, UNAMID and the African Union, on a gradual and sequential exit was vetoed in New York. On 30 September 2016, only four days before the Council reviewed the periodic report of the Secretary-General on UNAMID (S/2016/812), the Department issued a "fact sheet for the Council on access restrictions". Usually, the report of the Secretary-General is the one on which the Council deliberates. Moreover, the "fact sheet" on access was issued one day after Amnesty International had released its report on allegations of the use of chemical weapons by the Sudan Armed Forces in Darfur from January to September 2016. Amnesty International cited denial of access as a reason why UNAMID had been unable to report on the use of chemical weapons against civilians in Darfur. The purported connection cannot go unnoticed. A United Nations spokesperson said on 29 September 2016, in reply to a question about the Amnesty International report, that such allegations made in the report were not mentioned in the successive reports of UNAMID, but he added that the Government of the Sudan had denied access to the areas in question.

The allegations by Amnesty International, concocted mainly by a reckless adventurous staffer of the organization who had served in UNAMID in 2011 as a political officer while obtaining his law degree, were based on sheer hearsay gathered remotely from outside the Sudan and by interviewing selected "victims". Nobody could tell how he managed to selectively obtain their cell phone numbers and how he came into possession of the photos of the victims of the attacks. The Amnesty International report, as naive and sensational as it is, deserves nothing but to be ignored. That is why the present aide-memoire addresses factually the issue of access in disregard of any ensuing opportunistic allegations by some international non-governmental organizations.

We would like hereunder to provide concrete evidence showing that access was permitted to all areas in Darfur during the past nine months of 2016, in rebuttal to the claims of denial:

- (a) Incidents of denial of access, based on compelling security justifications, do not exceed an average of three cases per month, compared with around 8,000 patrols by UNAMID forces each month;
- (b) UNAMID conducted visits to the main areas of Jebel Marra at the level of the Deputy Joint Special Representative and the chiefs of UNAMID sectors in Central Darfur;
- (c) According to the UNAMID report, in the first 11 weeks of 2016, a total of 19,417 patrols were conducted by the military personnel of UNAMID, comprising 6,330 routine patrols, 7,318 short-range patrols, 442 long-range patrols, 2,281 night patrols, 344 humanitarian escorts and 2,702 logistics and administrative escorts covering 6,133 villages and 2,087 displacement camps. In addition, the Mission's police personnel conducted 8,323 patrols, compared with 7,359 in 2015, including 4,199 patrols to respond to the security needs of internally displaced persons, particularly women and children;
- (d) According to the recent report of the Secretary-General on UNAMID, which covers the period from 15 June to 15 September 2016, the number of patrols conducted by UNAMID was 22,298 of 22,365 requests, or 99 per cent completion;
- (e) In Sortony, North Darfur, UNAMID police reinforced its military and police presence to conduct day and night patrols in order to maintain security and law and order near camps for internally displaced persons, making maximum use of the 2,531 peacekeepers and 71 armoured personnel carriers deployed (237 troops and 6 armoured personnel carriers in Sortony; 420 troops and 8 armoured personnel carriers in Kabkabiya; 435 troops and 9 armoured personnel carriers in Zalingei; 377 troops and 15 armoured personnel carriers in Nertiti; and 363 troops and 12 armoured personnel carriers in Tawila). In addition, UNAMID leadership actively engaged with the authorities on the crisis in Jebel Marra;
- (f) As the United Nations responded to the situation in Jebel Marra, Anka, Mouli and Umtajock together, close coordination was maintained and an appropriate distinction and division of roles and responsibilities was made between the humanitarian organizations operating under the leadership of the Resident and Humanitarian Coordinator and UNAMID, particularly with respect to the provision of logistical support and security to humanitarian operations;
- (g) The Office for the Coordination of Humanitarian Affairs said that it was engaged in ongoing discussions with authorities to undertake assessments in Nertiti, Thur and Wadi Boor. The Office added that seven requests to deliver aid and make assessments had been approved, including the visit of the Humanitarian Coordinator to Tawila on 22 February. In addition, according to the Office, as far as North Darfur State is concerned, access has not been an issue;
- (h) The joint country team-UNAMID mission to Golo was conducted in the beginning of August;

(i) The Deputy Joint Special Representative of UNAMID for Protection, Bintou Keita, informed the Under-Secretary of the Ministry of Foreign Affairs of the Sudan on 30 August 2016 that she had travelled to all Darfur States and met different communities inside and outside the camps for internally displaced persons. They all demanded the provision of basic services, comprising health, water and education, with an emphasis on the latter;

(j) Mrs. Keita confirmed that UNAMID was currently in a better position regarding access, which should be "unfettered and complete at all times in the entire region of Darfur in accordance with its mandate";

(k) The United States Special Envoy for Sudan and South Sudan visited North Darfur State and Jebel Marra in Central Darfur beginning on 26 July 2016. The visits were completed as he requested, without exception;

(l) In addition, and within the entire period from January to September 2016, UNAMID military personnel, UNAMID leaders, humanitarian agencies, United Nations entities, including the World Food Programme, the United Nations Children's Fund, the Office for the Coordination of Humanitarian Affairs and the United Nations country team, toured Darfur, especially the Jebel Marra area, which had witnessed fighting between the Sudan Armed Forces and the Sudan Liberation Army/Abdul Wahid rebel movement resulting in the dislodging of the latter from its strongholds in the mountains;

(m) Moreover, the displaced people who had fled Jebel Marra during the fighting, estimated as more than 102,000 by UNAMID, were received in East and North Darfur States, where services and protection were provided. They all looked in good health, with the exception of some children who were suffering from the effects of the high temperature in the lowlands of Northern Darfur. Difficulties relating to water supply, poor roads and sanitation were reported by the Office for the Coordination of Humanitarian Affairs.



**General Assembly
Security Council**

Distr.: General
3 October 2016

Original: English

**General Assembly
Seventy-first session
Agenda item 41
Question of Cyprus**

**Security Council
Seventy-first year**

**Letter dated 29 September 2016 from the Permanent Representative
of Turkey to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith a letter dated 29 September 2016, addressed to you by the Representative of the Turkish Republic of Northern Cyprus, Mehmet Dâna (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 41, and of the Security Council.

(Signed) Y. Halit Çevik
Permanent Representative

16-17075 (E) 061016



Please recycle



Annex to the letter dated 29 September 2016 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

29 September 2016

Upon instructions from my Government, I am writing in response to the letters dated 6 and 14 September 2016 addressed to you by the Greek Cypriot representative in New York and circulated as documents of the General Assembly and of the Security Council (A/70/1031-S/2016/760 and A/71/388-S/2016/785, respectively), which yet again contain false assertions similar to those made in his previous letters. In order to set the record straight, I would like to bring the following to your kind attention.

At the outset, regarding the claims of so-called "infringements of international air traffic regulations" and "violations of the national airspace of the Republic of Cyprus by Turkey", I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the relevant authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. The civil aviation authority of the Turkish Republic of Northern Cyprus is the sole competent authority to provide air traffic and aeronautical information services within its own national airspace. As for the false assertions regarding the "illegally issued notices to airmen", it must be underlined that activities within the Ercan advisory airspace that require notices to airmen are carried out by or coordinated with the relevant authorities of the Turkish Republic of Northern Cyprus in accordance with article 3 of the Convention on International Civil Aviation (Chicago Convention).

Similarly, the claim in the letters regarding the Turkish Cypriot ports is also baseless, given the fact that the Greek Cypriot administration has no jurisdiction or right of say over Northern Cyprus. Furthermore, this claim ignores the present realities on the ground, namely, the existence of two independent self-governing States on the island of Cyprus, each exercising sovereignty and jurisdiction within its respective territory.

As to the repeated false allegations regarding Ercan Airport in the North, it should once again be underlined that the technologically up-to-date Ercan area control centre and airport in North Cyprus have been providing regular, reliable and safe air traffic services since the Greek Cypriot refusal in 1977 to provide air traffic services in the northern part of the island, in line with its isolation policy that has been imposed on the Turkish Cypriot people. Ever since, all flights within the sovereign airspace of the Turkish Republic of Northern Cyprus have taken place with the full knowledge and permission of the Civil Aviation Department of the Turkish Republic of Northern Cyprus, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or control.

Moreover, the isolation imposed on the Turkish Cypriots, which the Greek Cypriot side attempts to perpetuate by encouraging the international community to deem all airports and seaports in Northern Cyprus as "illegal", is in complete contravention of international law, as well as the call made by the then Secretary-

General, Kofi Annan, in his report to the Security Council dated 28 May 2004 (S/2004/437), in which he clearly states: "I would hope they [members of the Security Council] can give a strong lead to all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development, deeming such a move as consistent with Security Council resolutions 541 (1983) and 550 (1984)".

The legislation of the Turkish Republic of Northern Cyprus on aeronautical safety meets all standards and recommendations of the International Civil Aviation Organization, providing safe and swift navigation of aircraft landing at or taking off from Ercan Airport and using airspace of the Turkish Republic of Northern Cyprus. All airports in Northern Cyprus are in full conformity with international standards, and necessary investments have been made to keep up with the developing technology. The number of air traffic controllers has been increased in accordance with the increasing number of flights over the years, and the Ercan area control centre is in regular and close cooperation with the Ankara area control centre in order to ensure the safe conduct of all flights in the region. In 2015 alone, the number of passengers that used Ercan Airport stood at nearly 3,500,000 (compared with 3,250,000 in 2014), and a 7 per cent increase in that number is expected in 2016. Moreover, in 2015, nearly 26,000 planes used Ercan Airport for arrival and departure, and around 210,000 planes used the Ercan advisory airspace, a total which is expected to increase by 7 per cent in 2016. In that respect, it must be stressed that the Turkish Cypriot side is committed to upholding the highest standards in the field of air navigation safety, in full conformity with the Chicago Convention of 1944, and that it is ready to cooperate with the Greek Cypriot authorities on this very important issue.

At a time when the comprehensive settlement negotiations are progressing swiftly in a result-oriented atmosphere, I deem it necessary to stress the need to fully channel all our efforts towards achieving a just and lasting settlement of the Cyprus conflict in line with the established United Nations parameters and the Joint Declaration of 11 February 2014, which envisage a new partnership on the basis of the political equality of the two peoples of the island within the framework of a bizonal, bicomunal federation with two constituent States of equal status. Moreover, the Greek Cypriot administration should once again be reminded that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey.

Availing myself of the present opportunity, I would like to call upon the Greek Cypriot side to discontinue such counterproductive and outdated rhetoric, which is not reflective of the joint vision and cooperation expressed by the leaders of both communities on the island since the resumption of the settlement talks in May 2015. As the two future partners in the island of Cyprus, we should never lose sight of the fact that the solution to the Cyprus problem will comprehensively deal with all pending issues between the two sides and thus focus all our efforts towards the ultimate goal of settlement.

Finally, I would like to reiterate that, as the Turkish Cypriot side, we are committed to maintaining our constructive and positive stance within the context of your good offices mission in Cyprus and encourage our Greek Cypriot neighbours to follow a similar path.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 41, and of the Security Council.

(Signed) Mehmet Dâna
Representative
Turkish Republic of Northern Cyprus

**Security Council**Distr.: General
4 October 2016

Original: English

Report of the Secretary-General on children and armed conflict in Colombia (September 2011-June 2016)*Summary*

The present report was prepared pursuant to Security Council resolution 1612 (2005) and subsequent resolutions. It is the third report of the Secretary-General to the Security Council on children and armed conflict in Colombia and covers the period from September 2011 to June 2016. The report provides information on the six grave violations against children, the parties to conflict responsible for such violations are identified and progress made with regard to the protection of children affected by armed conflict is described.

The reporting period was marked by the start of a historic peace process between the Government of Colombia and the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP) in 2012, which contributed to a decline in the conflict intensity and an overall decrease in the number of violations against children, in particular towards the end of the reporting period. Most notably, the Government and FARC-EP signed an agreement in May 2016, setting out the way forward for the separation of children under 15 as a first step, and for a special programme for the restoration of rights, reintegration and reparation for all separated children under 18. In addition, in March 2016, the Government and a second armed group, the Ejército de Liberación Nacional (ELN), took another important step by announcing an agreement to begin peace talks. While these landmark events reinforced the hope of ending conflict, activities carried out by post-demobilization armed groups continued to compromise the protection of children.

Throughout the reporting period, efforts were made by the Government of Colombia to strengthen the framework for ending, preventing and responding to violations against children. It is highlighted in the report that there is a need to prioritize the implementation of commitments, as well as existing laws and policies, in order to translate them into concrete positive outcomes for all children across the country. In this regard, the report contains a series of recommendations addressed to all parties to better protect children and reinforce guarantees of non-repetition in the post-conflict phase.



I. Introduction

1. The present report, which covers the period from September 2011 to June 2016, is submitted pursuant to Security Council resolution 1612 (2005) and subsequent resolutions. It is my third report on the situation of children and armed conflict in Colombia and complements my two previous reports (S/2009/434 and S/2012/171). The report highlights trends and patterns of violations committed against children in the context of the armed conflict in Colombia as well as progress made in ending and preventing such violations, in line with the conclusions and recommendations adopted by the Working Group of the Security Council on Children and Armed Conflict in 2010 and 2012 (see S/AC.51/2010/3 and S/AC.51/2012/4).

2. The situation in Colombia was brought to the attention of the Security Council in 2003 under Article 99 of the Charter of the United Nations in view of the impact of armed conflict on children. The Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP), the Ejército de Liberación Nacional (ELN) and the paramilitary group Autodefensas Unidas de Colombia (AUC)¹ were listed in 2003 for the recruitment and use of children for the first time in annex II of my annual report on children and armed conflict (A/58/546-S/2003/1053). In my most recent annual report (A/70/836-S/2016/360), ELN and FARC-EP were again listed for the recruitment and use of children.

3. The information presented herein was gathered, documented and verified by the country task force on monitoring and reporting in Colombia established pursuant to Security Council resolution 1612 (2005).

II. Overview of political and security developments

4. The reporting period was marked by an overall decline in conflict intensity² and by the start of historic peace talks between the Government of Colombia and FARC-EP in 2012 as well as the announcement of talks with ELN in 2016.

5. The peace talks between the Government of the President of Colombia, Juan Manuel Santos, and FARC-EP were launched in August 2012, with the support of Cuba and Norway as guarantors, and of Chile and Venezuela as accompanying countries. Despite sporadic crises that led to the temporary suspension of the talks on several occasions, the peace process with FARC-EP advanced significantly, particularly in the past two years. It included the adoption of partial agreements on rural development, political participation, eradication of illegal drug crops, key issues of victims and transitional justice as well as on end-of-conflict issues,

¹ AUC were delisted following their demobilization in 2005-2006. However, successor groups called post-demobilization groups emerged, sometimes led by former mid-level AUC leaders and composed of former paramilitary members. These groups employed similar techniques to those of AUC but differed in their levels of command and control structure.

² During the reporting period, the United Nations recorded an overall decrease in the number of armed actions and attacks against civilians. "Armed actions" are attacks on military facilities, blockade of roads and highways, illegal checkpoints, combats, ambush, crossfire, armed harassments and other armed attacks. "Attacks against civilians" include threats, attacks to civilians, forced disappearance, killing and maiming of civilians in armed actions, massacres, recruitment of children, kidnapping, sexual violence and torture.

including ceasefire and cessation of hostilities and the laying down of arms. In 2014, a subcommission on gender was established to review the agreements and ensure the inclusion of a gender perspective as a cross-cutting issue throughout the process.

6. In June 2014, President Santos was re-elected for a second four-year term, giving him a mandate to continue the peace process with FARC-EP. Nevertheless, the presidential campaign revealed strong polarization of society and scepticism about the peace process. To support the efforts towards peace, the United Nations in Colombia developed an awareness-raising campaign to promote a culture of peace, "Respira paz" ("Breathe peace").

7. In another key political development in March 2016, the Government of Colombia and ELN announced an agreement to commence peace talks. The beginning of these talks, together with those nearing completion with FARC-EP, reinforced hopes of ending 52 years of conflict and achieving sustainable peace in Colombia.

8. Grave violations against children continued, often as a consequence of intermittent fighting between parties to conflict, as well as activities carried out by post-demobilization armed groups and other local armed groups related to the control of territory for drug trafficking, extortion, illegal mining, prostitution and human trafficking. Following the process of demobilization of paramilitary organizations carried out between 2003 and 2006, new armed groups composed of their former members were formed, affecting large portions of territory. As of mid-2016, the five main post-demobilization groups responsible for a large number of violations were: (a) Los Urabeños or Autodefensas Gaitanistas de Colombia (also referred to as Clan Úsuga); (b) Los Rastrojos; (c) Águilas Negras; (d) Los Paisas; and (e) El Ejército Revolucionario Popular Antiterrorista Colombiano (ERPAC).³ ERPAC partially demobilized, leaving a remnant armed group called Libertadores del Vichada. Over the years, their structures have evolved to nullify strategies by the State to counter them, and the groups have built alliances with other armed groups or fought each other for territory. On 22 April 2016, the Ministry of Defence issued a directive authorizing military operations against post-demobilization groups reclassified as organized armed groups.

9. The protracted conflict triggered challenges to the effective implementation of State policies and equitable development in conflict-affected and isolated regions of Colombia.⁴ Children of Afro-Colombian and indigenous origin living in rural areas were the most affected by the armed conflict. The complex humanitarian situation contributed to large-scale internal displacement throughout the reporting period,

³ See internal document produced by the Early Warning System of the Office of the Ombudsman, 2013. *"Defensoría del pueblo: Defensoría Delegada para la prevención de riesgo de violaciones a los derechos humanos y derecho internacional humanitario — sistema de alertas tempranas"*.

⁴ In his 2014 report on the situation of human rights in Colombia, the United Nations High Commissioner for Human Rights noted that "State presence is unequal in different geographic areas and social strata, affecting the enjoyment of all human rights." "Basic access to health care and education are recognized rights under Colombian law, yet their distribution is skewed in favour of prosperous areas, when in fact those services are necessary to break down existing inequalities." "Until these inequalities are addressed, human rights challenges will continue to plague Colombia" (see A/HRC/28/3/Add.3, paras. 15, 16 and 17).

although the peace negotiations between the Government and FARC-EP significantly improved the situation and helped reduce the number of displaced children by 40 per cent between 2013 and 2015. In addition, the unilateral ceasefire by FARC-EP, announced in July 2015, and subsequent de-escalation measures implemented by the parties, contributed to reducing the impact of violence on civilians, as well as displacement. Since mid-2015, the United Nations has not recorded any displacement in relation to hostilities by FARC-EP. Notwithstanding that progress, as of December 2015 there were still 5.8 million internally displaced persons, of whom approximately 45 per cent were children. Finding durable solutions for them will be key to reconciliation and integration efforts.

10. The Government of Colombia has put in place an ambitious legal and institutional framework aimed at providing assistance and reparations to over 7 million victims of the armed conflict, of whom one in three is a child. Progress was made in the registration system for victims, the delivery of financial compensation and the right of victims to participate, which reflects the State's efforts through the Victim Assistance and Comprehensive Reparation Unit (Unidad para las Víctimas — UARIV), created in 2012. The adoption of Law 1448 (2011) on victim and land restitution, the signing of which I witnessed on 13 June 2011,⁵ was of particular importance as it includes special provisions for child victims. Other legislative developments such as Law 1719 (2014) on access to justice for victims of sexual violence, in particular in the context of the armed conflict,⁶ were adopted. With a view to improving the protection of populations displaced by the conflict, the Constitutional Court also issued ruling 119 of June 2013, allowing those forcibly displaced by violence, including by post-demobilization armed groups, to be included in the National Victims Register. As at 1 July 2016, UARIV had registered 283,251 victims, who became eligible for emergency assistance and reparations further to this ruling.

11. Political dialogue also led to important progress in relation to the recognition of the victims of armed conflict and their inclusion in the Government-FARC-EP talks in Havana. With the support of the United Nations in Colombia, five delegations of victims travelled to Havana in 2014, including two victims recruited by armed groups when they were 13 years of age, and one woman who was sexually abused by paramilitaries when she was 16. On these occasions, both the Government of Colombia and FARC-EP recognized the impact of the armed conflict on the civilian population, offering an opportunity to begin a peacebuilding and reconciliation process.

12. On 4 June 2015, the two parties announced that they had agreed on the establishment of a truth, coexistence and non-repetition commission. Shortly thereafter, on 23 September, President Santos and the FARC-EP leader, Rodrigo Londoño Echeverri, alias "Timochenko", publicly presented the main elements of an agreement on transitional justice that were subsequently developed and included in a comprehensive agreement on truth, justice, reparation and non-repetition for the victims of the conflict, reached on 15 December 2015.

⁵ Statement by the Secretary-General, "Secretary-General, at signing of Colombia's Victims' Rights and Land Restitution Bill, says 'real transforming effect on the ground must accompany new law'", available from www.un.org/press/en/2011/sgsm13634.doc.htm.

⁶ See www.secretariassenado.gov.co/senado/basedoc/ley_1719_2014.html.

13. The most significant development regarding the protection of children came in May 2016 in Havana when the Government of Colombia and FARC-EP announced an agreement on the separation of children under 15 years of age from FARC-EP, on the parties' commitment to develop a road map for the separation of all children as well as on a special comprehensive reintegration programme for these children.

14. The unilateral ceasefire announced by FARC-EP and the Government's announcement in July 2015 that it would suspend airstrikes were generally observed by the parties. This contributed to a decrease in the intensity of the conflict and the alleviation of suffering of children in the last year of the reporting period. On 19 January 2016, the parties jointly requested the involvement of the United Nations, to monitor and verify the laying down of arms as well as the ceasefire and cessation of hostilities as part of a tripartite mechanism (see S/2016/53). This request was unanimously endorsed by the Security Council in its resolution 2261 (2016) on 25 January. On 23 June, I witnessed the signing of groundbreaking agreements on the bilateral and final ceasefire, the end of the hostilities and the laying down of arms, security guarantees⁷ and an agreement on ratification. The United Nations special political mission will serve as the international component of the mechanism for monitoring and verification of the agreement on ceasefire, cessation of hostilities and laying down of arms. As the international component, the Mission will verify and report on the compliance with parties' commitments to end military confrontation and refrain from violations against the population in the areas of observation. The Mission will also be responsible for the verification of the laying down of arms.

15. On 24 August, the parties announced that they had concluded their negotiations and reached a final peace agreement, which was signed in Cartagena on 26 September, a ceremony in which I participated. Point 3 of the final peace agreement on the "end of conflict" emphasized that children associated with FARC-EP would be released and would benefit from special care and protection. In addition, point 6 on the implementation of the agreements included a provision to guarantee the best interest of children, as well as the primacy of their rights.

III. Grave violations against children

16. The United Nations recorded 2,078 armed actions between November 2012 and December 2015. A downward trend was observed across the reporting period: 945 armed actions were recorded in 2012, while in 2015, the number of armed actions (533) decreased by 28 per cent as compared with 2013 and by 21 per cent as compared with 2014. The geographical scope of the conflict also reduced, with 29 out of 32 local government administered areas, or departments, affected in 2012

⁷ Agreement on security guarantees and the fight against criminal organizations responsible for homicides and massacres or those who target human rights advocates, social or political movements, including the criminal organizations labelled as successors of paramilitarism and their support networks, and the prosecution of criminal acts that threaten the implementation of the agreements and the construction of peace (see joint communiqué #76, available from www.mesadeconversaciones.com.co/sites/default/files/comunicado-conjunto-76-version-ingles-1467304952.pdf, p. 6).

compared with 20 departments affected during the second half of 2015.⁸ In this context, grave violations were perpetrated against children, although a significant decrease was recorded in the latter part of the reporting period, in particular with regard to the number of children killed or maimed.

A. Recruitment and use of children

17. Data received by the United Nations indicates that recruitment and use of children was a violation repeatedly reported in Colombia. There was, however, a progressive annual reduction in verified cases. In February 2015, FARC-EP committed to end the recruitment of children under 17, and raised this minimum age to 18 in November 2015 during the visit of my Special Representative to Havana. As mentioned above, in an important development in May 2016, the Government of Colombia and FARC-EP announced an agreement on the separation and reintegration of children.

18. Documenting cases remained difficult owing to lack of access to armed groups for monitoring purposes, with the majority of cases verified following the separation of children after recovery by the Colombian Armed Forces, or their release to humanitarian organizations or protection institutions. A total of 1,556 cases of recruitment and use of children were verified by the United Nations in 29 departments of the country, with some as young as eight years old. Over the past five years, 30 per cent of the children registered and separated from armed groups were girls and the average age of recruitment for girls (13.4 years of age) is lower than that for boys (14.1 years of age).

19. Most verified cases were attributed to FARC-EP. Recruitment by FARC-EP and other groups such as ELN mainly affected indigenous and Afro-Colombian communities in rural areas, while post-demobilization groups and other local armed groups frequently recruited and used children in marginalized urban areas and in strategic rural zones to take control of drug and weapon trafficking. Children associated with armed groups were reportedly lured into joining the groups through promises of food, money, protection or other support and benefits for their families. It was highlighted in the December 2014 report of the Office of the Ombudsman on recruitment of children that those from indigenous and Afro-Colombian communities lived in situations of extreme vulnerability and continued to be highly exposed to conflict-related abuses. In March 2014, indigenous authorities in Panama also reported cross-border recruitment of children by FARC-EP.

20. In some instances, children recruited by armed groups were forced to commit serious crimes. For example, a child who had been recruited by FARC-EP in Antioquia at the age of 12 told the Office of the Ombudsman in 2013 that he had been forced to kill and torture several of his friends.⁹ The recruitment and use of

⁸ Data from the Office for the Coordination of Humanitarian Affairs, Colombia, 1 November 2012–31 December 2015 (Tendencias humanitarias y paz — Colombia, noviembre 2012-diciembre 2015), available from www.humanitarianresponse.info/es/system/files/documents/files/160503_tendencias_humanitarias_2016_vff.pdf.

⁹ See report of the Office of the Ombudsman of March 2014 ("Informe trabajo de campo Antioquia, 2013"), Child recruitment prevention — analysis of the public policy with an ethnic focus, p. 29.

children to commit serious crimes in their own communities created additional reintegration challenges.

21. An increasing number of cases of recruitment and use by the five main post-demobilization groups and other local armed groups, such as La Empresa and Los Machos, were reported. According to the Early Warning System of the Office of the Ombudsman, these groups were present in approximately half of the departments and were responsible for grave violations against children in cities such as Buenaventura, Cúcuta, Medellín and Tumaco in 2015. In the first half of 2016, risks of recruitment by these groups continued to be observed in Bolívar, Chocó, Meta, Guaviare and Córdoba, as well as in Norte de Santander. Threats and attempts at recruitment were reported in Bolívar, Risaralda, Casanare, Amazonas and Guaviare, with 7 incidents in the first half of 2016, compared with 18 in the second half of 2015.

22. Along with other grave violations, the recruitment and use of children continued to be a contributing factor in displacement throughout the reporting period as families fled to protect their children. In this regard, between September 2011 and June 2016, the Early Warning System of the Office of the Ombudsman¹⁰ issued at least 105 alerts on the risk of recruitment in 30 departments, with a peak of 46 alerts in 2013. This dropped to 18 alerts in 2014 and 2015.

23. Another concern is the use of children for intelligence-gathering purposes by the Colombian armed forces. Law 1098 (2006) on Childhood and Adolescence, in article 41, paragraph 29, states that the armed forces must abstain from using children in military activities, psychological operations, civil-military campaigns and similar activities. Article 176 of the same law explicitly prohibits interviews with and the use of children formerly associated with armed groups in intelligence activities by security forces. The national Criminal Code and directives of the Ministry of National Defence (D.15/2007; D.30743/2007; D.048/2008; D.7169/2008) also prohibit this practice. However, in March 2015, during the "Toma Masiva de Urabá" military operation in Antioquia, members of the Colombian Armed Forces allegedly offered money to children to obtain information on the presence of a commander of a non-State armed group. In May 2014, FARC-EP announced that they had released three girls allegedly recruited by the Colombian Armed Forces who had infiltrated their ranks as spies. In a similar case in February 2015, in Valle del Cauca, FARC-EP also handed over to the International Committee of the Red Cross (ICRC) two indigenous children who had allegedly infiltrated their ranks on behalf of the Colombian Armed Forces.

24. During the reporting period, at least 22 civilian-military activities were also reported in communities, including inside schools. In areas where armed actors are present, these social, development, cultural and/or sporting activities carried out by the Colombian Armed Forces put children at risk of retaliation solely for interacting with them. In addition, although the Intersectoral Commission for the prevention of

¹⁰ The Early Warning System of the Office of the Ombudsman in Colombia was designed to prevent grave and systematic violations of human rights and international humanitarian law. Its main purpose is to prevent grave violations through analysis of the conflict at the local and regional levels, anticipation of threats, alerts and recommendations to relevant authorities and implementation of protective measures.

recruitment and use of children by non-State armed groups is the entity in charge of coordinating prevention efforts, campaigns carried out by the Ministry of Defence to prevent recruitment by armed groups raised concerns over the risks of the use of children for intelligence gathering. In its concluding observations of 6 March 2015 (CRC/C/COL/CO/4-5), the Committee on the Rights of the Child urged Colombia to "enforce the existing institutional directives aimed at protecting children's rights, particularly the directives ordering the suspension of all civilian-military activities involving children, which should include those conducted by the police, and prohibiting the use of children for military intelligence gathering".

B. Killing and maiming of children

25. Children in Colombia continued to be killed and maimed as a result of armed actions in crossfire, combat, indiscriminate attacks and by landmines and unexploded ordnance. Between September 2011 and June 2016, the United Nations verified 117 cases of children killed and 147 cases of children injured. National figures for the period January 2012 to June 2016 are significantly higher because the 4,523 children registered by the Victim Assistance and Comprehensive Reparation Unit (UARIV) include relatives of victims of homicides, considered as indirect victims of the conflict. UARIV also registered 68 cases of children who were victims of torture and other ill treatment during the same period.

26. In the early part of the reporting period, children were often killed or wounded in indiscriminate attacks or in combat. For example, in 2012, 37 FARC-EP members, including eight children aged between 14 and 16 years of age, were killed in an attack by the Colombian Armed Forces on their camp in Meta. In a similar instance in 2012, five children associated with ELN were seriously injured during an operation in Bolívar. In 2013, young children were seriously injured or killed in bomb attacks by FARC-EP and ELN targeting local police. Children were also killed and maimed in crossfire. For example, in Valle del Cauca, in February 2012, a four-year-old boy died in crossfire between FARC-EP and the police. In August 2013, in Putumayo, one boy aged 14 was killed in crossfire between FARC-EP and the Colombian Armed Forces.

27. In the second half of the reporting period, there was a significant reduction in child casualties. The primary cause of child casualties during this period was landmines. Although the use of landmines is prohibited, armed groups have used them and Colombia has the second largest number of child victims of landmines in the world. National figures from the Directorate for Comprehensive Action against Antipersonnel Mines (Dirección para la Acción Integral contra Minas Antipersonal) indicated that at least 188 children (136 boys, 52 girls) had been maimed and 41 (35 boys, 6 girls) killed by antipersonnel mines and unexploded ordnance between September 2011 and December 2015. While many accidents go unreported, there was a significant decrease in the total number of documented civilian victims of antipersonnel mines and unexploded ordnance from 2012, in particular as a result of demining and mine awareness education campaigns. In 2014-2015, authorities registered a 66 per cent reduction in the number of incidents as compared with 2012-2013. However, the proportion of children killed or injured

in those incidents increased from 30 per cent of all civilian victims in 2013 to 45 per cent in 2015.

28. Ongoing verified cases of children killed or maimed by antipersonnel mines and unexploded ordnance near or within schools were a particular concern. For example, in February 2013, a 17-year-old girl died and two others aged 15 and 17 were injured as a result of a landmine explosion near their school in Antioquia. In May 2014, two children were wounded by an explosive device that they had found near their school in Putumayo. In November 2015, a 15-year-old girl was wounded by a landmine detonation outside her school in Antioquia.

29. Targeted killing and maiming of children by post-demobilization armed groups was recorded. In April 2012, eight girls between 14 and 15 years old were attacked in Nariño by Los Rastrojos, who accused them of being friends with the United States armed forces deployed in the country. One of the girls died, another was wounded and the six others were forcibly displaced. In March 2015, a 15-year-old girl who had been sexually exploited by Las Autodefensas Gaitanistas de Colombia was murdered by the group in Antioquia as the Colombian Armed Forces attempted an operation to rescue her. Also in Antioquia, in August 2015, a 16-year-old boy who participated in a "civic police" programme run by the national police was executed by Las Autodefensas Gaitanistas de Colombia.

30. According to information from the Office of the Attorney General, extrajudicial executions by the Colombian Armed Forces, including those committed against children, decreased significantly, from 43 cases in 2007 to 1 in 2012. A case was also reported by the United Nations in 2014, when a 17-year-old girl was allegedly executed by the Colombian Armed Forces during a military operation against FARC-EP in Antioquia. At the time of writing, an investigation by the Office of the Attorney in Tierralta, Cordoba, was ongoing.

C. Rape and other forms of sexual violence against children

31. The armed conflict has put children at increased risk of sexual violence and, as in other contexts of armed conflict, sexual violence against children remains significantly underreported. Given the constraints for victims regarding reporting violations and access to services, during the reporting period, the United Nations was able to verify only 23 cases of children who were victims of sexual violence, by Colombian Armed Forces (8), Autodefensas Gaitanistas de Colombia (6), FARC-EP (4), ELN (1), Aguilas Negras (1) and by non-identified armed group (3).

32. Girls associated with armed groups were particularly vulnerable. For example, in April 2013, a girl aged 13 was sexually abused by a FARC-EP leader in Putumayo, which resulted in her becoming pregnant. In April 2014, three persons were allegedly in detention in Bolivar on charges of selling girls to armed groups, including ELN, for sexual purposes. Sexual violence against children by post-demobilization and local armed groups continued in territories where they are present. These groups also used sexual violence or threats of sexual violence against children of human rights defenders or community leaders as a method of intimidation and control.

33. In addition, cases of sexual exploitation of girls as young as 12 years old by post-demobilization groups were documented in each year of the reporting period,

in particular in gold-mining areas controlled by armed groups, as highlighted in my latest reports to the Security Council on conflict-related sexual violence (S/2015/203 and S/2016/361).

34. Cases of sexual violence by members of the Colombian Armed Forces and the police were also reported, in particular during 2012. Since late 2015, progress has been made in the fight against impunity. For example, a member of the Colombian Armed Forces was arrested for raping a 12-year-old girl in Meta in 2012 and another was sentenced to 14 years' imprisonment for raping a 14-year-old girl in 2012 in Cundinamarca. Ministry of Defence Directive No. 11 (2010) regarding prevention of sexual violence has also been reviewed to ensure compliance with the "zero tolerance" policy against sexual violence in the armed forces.

D. Attacks on schools and hospitals

35. Attacks on schools and hospitals by armed groups and Colombian Armed Forces were verified in several departments of the country, mostly in rural areas, with a downward trend throughout the reporting period. Despite specific provisions of the Colombian Penal Code that criminalize attacks on and use of civilian objects, including educational institutions, there is a lack of accountability for violations.

36. During the reporting period, schools were damaged in crossfire, bombing, and incidents involving landmines and explosive remnants of war. In many cases, explosive devices were placed near schools or within school facilities, because of their proximity with targets such as police stations and military bases, or because of the military use of the school facilities by armed forces or armed groups. In January 2013, a bomb was detonated in a boarding school in Caquetá; children were not present at the time of the incident because FARC-EP had informed the community before the explosion. In some cases, the explosive devices were deactivated by the Colombian Armed Forces, such as in Cauca in February and November 2014, in Caquetá in April 2015, in Meta in October 2015 or in Tolima in February 2016. In other cases, explosions or crossfire resulted in damage or destruction of the schools. For example, in June 2012, more than 700 students in Nariño had their classes interrupted because their school was destroyed in an attack by FARC-EP against a police station located nearby. In August 2014, a school was also damaged in a grenade attack by FARC-EP against a police station in Nariño. In February 2016, a school in Antioquia was caught in crossfire between FARC-EP and ELN and terrified children sought refuge under their desks.

37. Additionally, there were 54 allegations of teachers being killed (13) or threatened (41), mostly by post-demobilization armed groups. In some cases, teachers were reportedly threatened or killed because of their involvement in activities to prevent drug trafficking or child recruitment. Threats to medical personnel and restrictions on the delivery of health services were also reported. During the period January 2011 to July 2016, ICRC documented at least 985 cases of obstruction to health-care activities, such as threats and attacks against health personnel, facilities or medical transportation.

38. The military use of a school by an armed force or group can compromise its civilian status and increase its vulnerability to attacks by opposing parties. The

presence of military or other armed persons also leads to an increased risk of recruitment and use and sexual violence by armed actors operating inside or around schools. It can also increase student drop-out rates and decrease attendance as parents fear sending children to school. Although Colombia is one of a small number of countries in the world to have explicit restrictions on the use of educational buildings by armed forces, cases of military use of schools by the Colombian Armed Forces were verified during the reporting period, with the most recent case reported in October 2015. In February 2013 in Putumayo, the Colombian Armed Forces used a school as a military base for several days. As a consequence, some parents reportedly stopped sending their children to the school. In February 2015, another school in Cauca was used by the Colombian Armed Forces during combat. Armed groups also used schools to store weapons. In March 2015, the Colombian Armed Forces deactivated several explosive devices stored in a school by FARC-EP in Putumayo. In some other cases, schools used by armed groups were damaged during confrontations with the Colombian Armed Forces. For example, in April 2013, a school used by FARC-EP as shelter was damaged during crossfire with the Colombian Armed Forces in Arauca. In remote areas, this is particularly problematic as it can take months or years for a community to rebuild destroyed schools.

E. Abductions

39. During the reporting period, the country task force on monitoring and reporting documented six cases of abduction of children and was able to verify three of them. For example, in May 2012, a 14-year-old boy was abducted and later killed by FARC-EP. In August 2014, in Antioquia, ELN abducted a 13-year-old girl and her father; the girl was released hours later. According to UARIV, between January 2012 and December 2015, 77 children (36 girls and 41 boys) were registered as conflict-related victims of abduction. Despite the low numbers of verified instances of child abduction, recently separated members of armed groups have given accounts of their abduction as children and noted that their families did not report incidents owing to fear of reprisal.

40. On 17 October 2015, the delegations of FARC-EP and of the Government to the peace talks reached an agreement on missing persons, including "immediate humanitarian measures for the search, location, identification and dignified return of the remains of persons given to be disappeared" by the armed conflict. In this process, it is also important that cases in which children were involved are prioritized.

F. Denial of humanitarian access

41. Confinement and restrictions on mobility imposed by armed groups had a significant humanitarian impact on children. In July 2014, for example, Los Urabeños confined more than 3,200 people in the Bolívar department for several weeks by implementing strict movement controls, including restrictions on humanitarian organizations and State assistance providers.

42. FARC-EP and ELN also prohibited the free circulation of goods and persons, which resulted in various municipalities lacking access to humanitarian assistance and basic services. For example, in February 2013, FARC-EP forbade all transportation (persons and goods) for one week in at least four municipalities in Chocó. In February 2014, in Cauca, a humanitarian mission was shot at by unidentified armed men and three members of the mission were wounded.

IV. Follow-up to the Secretary-General's recommendations and programmatic response

A. Response and follow-up to conclusions

43. Strengthening the response to violations against children and prevention policies will be important for sustainable peace in Colombia. Over the reporting period, actions were taken to reinforce institutional coordination to prevent and respond to recruitment and use of children, prevent incidents involving antipersonnel mines and unexploded ordnance, and address the consequences of forced displacement and sexual violence in conflict. While significant improvements have resulted from these efforts, application has not been consistent in all parts of the country and implementation gaps persist, mainly in rural and isolated areas.

Recruitment prevention

44. The Government has developed a public policy framework for the prevention of child recruitment by armed groups. In July 2010, the Government initiated the implementation of CONPES 3673,¹¹ detailing the State strategy for preventing child recruitment and use by armed groups and providing guidance for the allocation and distribution of public resources for prevention programmes from 2010 to 2014.

45. In the light of the finalization of the implementation of CONPES 3673 and of the March 2015 evaluation thereof, further efforts are required to ensure effective coordination and follow-up between national and local levels, and adequate follow-up is needed to ensure that policy objectives are fully met. In addition, the implementation of road maps and prevention plans faced financial and security challenges, undermining the effectiveness of local response to child recruitment. In the context of the adoption of the National Development Plan 2014-2018, "Todos por un nuevo país" (All for a new country) (Law 1753 of 2015), I welcome the inclusion under article 123 of provisions for follow-up to the prevention policy with a focus on tailored approaches to indigenous, Afro-Colombian, Raizal, Palenqueras and Rrom populations. In this regard, I encourage adequate allocation of resources to ensure effective prevention of recruitment and use, as well as sexual violence, by armed groups and post-demobilization groups in Colombia.

¹¹ Consejo Nacional de Política Económica y Social (CONPES), Departamento Nacional de Planeación, *Política de prevención del reclutamiento y utilización de niños, niñas, adolescentes por parte de los grupos armados organizados al margen de la ley y de los grupos delictivos organizados*.

46. Under the leadership of the Presidential Office for Human Rights, the Intersectoral Commission for the prevention of recruitment and use of children by non-State armed groups, comprising 22 State entities, provided technical support to design local policies, road maps and plans to prevent recruitment and use, promote safe spaces for children, train local civil servants and disseminate information to communities on prevention services. Following the agreement on children signed in May 2016, the Presidential Office for Human Rights and the Office of the Ombudsman took a proactive role in coordinating the work of a technical committee, together with the United Nations Children's Fund (UNICEF), the International Organization for Migration, ICRC and three civil society organizations (Anzorc, Conpaz and Coalico). As requested by the Government of Colombia and FARC-EP in their joint communiqué #70 on minors, the committee submitted to the parties a protocol for the separation of children under 15 from FARC-EP as well as a special programme for care and reintegration of all children under 18. The protocol was adopted on 6 September as indicated in joint communiqué #97, protocol for minors leaving the FARC-EP camps, and the separation and transition process began on 10 September with the separation of 13 children under 15 years old.

47. The Early Warning System of the Office of the Ombudsman issued timely and quality risk alerts for communities, including for children. However, as indicated by the Working Group of the Security Council on children and armed conflict in its conclusions on Colombia (see S/AC.51/2012/4, para. 10 (b) and (h)), coordination of the institutional response to these alerts could be improved in order to adequately address children's needs.

Reintegration

48. The Colombian Family Welfare Institute continued to implement a programme for the protection and reintegration of children separated from armed groups, including post-demobilization groups. Since its establishment in 1999 until July 2016, the Institute had assisted a total of 6,035 children. During the reporting period, 1,310 children joined the programme.

49. According to the principles enumerated in the May 2016 agreement on children, children formally demobilized and separated from FARC-EP will receive reintegration care under the specifically designed protocol and special reintegration programme. At the time of writing, in September 2016, the first group of children had been separated and received by UNICEF and its partners. Collaboration will continue to ensure the separation of all children, in compliance with respect for the principles of the best interest of the child and their primacy as victims, as enshrined in both national and international legislation.

50. In many cases in the past, there was a difference in the treatment of children separated from armed groups such as FARC-EP and ELN and of those separated from post-demobilization groups and other armed groups. In some cases, children were referred to the Office of the Attorney General for their association with post-demobilization groups which were considered as "criminal gangs", without benefiting from reintegration assistance. However, in 2012, the Constitutional Court stated that forcibly displaced victims of the armed conflict were not solely victims of specific armed groups, but rather all armed groups (see order C-781/2012). Also, in February 2016, the Constitutional Court confirmed that all children demobilized

from armed groups, including those recruited by post-demobilization groups, should be included as victims under Law 1448 (2011) on victims' rights and land restitution, thereby ensuring inclusiveness and equality of treatment for children formerly associated with any non-State armed groups.

Justice for victims

51. Since the adoption of Law 1448 (2011), activities have centred on the creation of institutional structures, including UARIV, the Land Restitution Unit, the National Centre for Historical Memory, the National Protection Unit and the specialized judges and magistrates for restitution. UARIV deployed local focal points and developed tools for individual and collective reparation measurements. At the local level, technical subcommittees were created with a view to better assessing and responding to victims' needs through improved coordination between national and local authorities and victims' representatives.

52. In line with the latest conclusions of the Working Group of the Security Council on children and armed conflict, which emphasized the importance of enhancing victim-centred approaches, progress was also made in terms of victim registration, land restitution, financial compensation and victim participation. Efforts were concentrated on the formulation of contingency, prevention and reparation plans, which have been only partially implemented. In addition to ongoing challenges such as the large number of registered victims and continued armed conflict in parts of the country, the sparse presence of UARIV and other State institutions in rural and most-affected areas meant that several key goals were inadequately met, such as guaranteeing the rights of internally displaced persons and refugees and their access to protection services and to justice and reparations, in particular in indigenous and Afro-Colombian communities.

Sexual violence

53. Progress in the response to conflict-related sexual violence has included both institutional and legal developments. Throughout the reporting period, the Colombian authorities have been working towards the development of an inter-institutional strategy to fight impunity and promote an integrated response for victims of gender-based violence in the context of the conflict. In 2012, the Intersectoral Commission for the prevention of recruitment and use of children by non-State armed groups took on responsibilities including the prevention of sexual violence against children and, in 2013, policy guidelines were issued to guarantee the rights of women who were victims of the armed conflict (CONPES 3784).

54. Laws were adopted to put in place access to reparations, psychosocial support and free medical care for sexual violence survivors. The scope of Law 1448 (2011) was expanded to include victims targeted by the post-demobilization groups. Lastly, to address the issue of underreporting, Law 1719 (2014) on access to justice for victims of sexual violence envisioned the creation of a unified registration system for cases of violence against girls and women, taking information from several sources and State entities.

55. In the agreement on victims between the Government and FARC-EP of 15 December 2015, dedicated specific attention was given to the issue of conflict-

related sexual violence, which was also mainstreamed in the various components of the truth, justice, reparations and non-repetition system. The peace agreement provides the State with potential leverage to create an integrated policy for survivors of conflict-related sexual violence that would include health and mental health care, access to justice and combating impunity, socioeconomic reintegration and comprehensive data collection.

Mine action

56. The Directorate for Comprehensive Action against Antipersonnel Mines coordinated demining programmes throughout the reporting period which included support to victims and mine risk education initiatives. Between 2011 and 2015, mine risk education campaigns were carried out in 11 departments, reaching at least 138,234 children, family members and teachers. On 7 March 2015, the Government and FARC-EP announced a humanitarian demining agreement, which was seen as a major confidence-building measure in the peace process. This included a joint Colombian Armed Forces-FARC-EP cleaning and decontamination pilot project on antipersonnel mines and unexploded ordnance and improvised explosive devices and mine risk education in two departments (Meta and Antioquia), with the support of Norwegian People's Aid. I encourage the parties to intensify their joint humanitarian demining efforts as it is a prerequisite for children to be able to safely return to schools and for communities to regain their land, which will contribute to sustainable peace.

Combating impunity

57. In its conclusions on the situation of children and armed conflict in Colombia in 2012, the Working Group of the Security Council encouraged the Government of Colombia to enhance efforts to fight impunity for violations against children in armed conflict by investigating cases and prosecuting perpetrators. During the reporting period, there were 92 convictions for child recruitment. With the adoption of the Justice and Peace Law in 2005, a special prosecution model was established for demobilized members of the paramilitary groups, which excluded children formerly associated with them. By April 2016, 158 former paramilitaries had been sentenced under this law.

58. Moreover, under the agreement on Victims of 15 December 2015, the recruitment of children under 15 and sexual violence cannot be subject to amnesty.

B. Advocacy

59. When the peace negotiations with FARC-EP began in October 2012, the issue of children was absent from the agenda. As a result of advocacy efforts in different forums, including by my Special Representative for Children and Armed Conflict, with the support of the resident coordinator and UNICEF in Colombia, the issue was brought to the attention of the negotiating parties. For example, in 2013, my Special Representative advocated with the Government of Colombia and with the guarantors of the peace process for the need to include the issue of children at an early stage in the negotiations and agreements.

60. During the regional round tables organized in 2013 by the United Nations at the request of the peace commissions of the Colombian Congress and the Senate, the issues of recruitment of children and sexual violence were highlighted. The negotiating parties tasked the National University of Colombia and the United Nations to organize three regional forums and one national forum on victims, in which adolescents and young people were invited to participate and develop concrete recommendations on behalf of the direct and indirect victims of the conflict. In Havana in 2014, delegations of victims drew attention to cases of recruitment and sexual violence against children, extrajudicial execution by the military, killings and forced displacement.

61. At the invitation of the Government and FARC-EP, my Special Representative for Children and Armed Conflict met with both delegations, as well as with facilitators Cuba and Norway in May 2015 and again in October and November of the same year. On these occasions, she advocated for the end of child recruitment, the release of all children associated with FARC-EP in accordance with the best interests of the child and the treatment of children primarily as victims. She also reiterated the support of the United Nations to assist the parties in reaching an agreement on the separation and reintegration of children. These efforts resulted in the signing on 15 May 2016 in Havana of the agreement on the separation of children under 15 from the FARC-EP camps and the commitment to prepare a road map and a special comprehensive reintegration programme.

62. At a critical time for the implementation of agreements between the Government and FARC-EP, collaboration among State entities, the United Nations and the international community have been identified as a key success factor for bringing peace and protection to the children of Colombia. This pivotal moment provides an important opportunity for a partnership to give every child the peaceful childhood he or she deserves. In this regard, guarantees of non-repetition should be implemented as a matter of priority to address the root causes of child recruitment and other grave violations committed by armed groups, including the post-demobilization groups.

V. Recommendations

63. I call upon all parties to abide by their obligations to respect human rights and international humanitarian law and, in particular, to end all grave violations against children. I urge armed groups to adopt and implement commitments to end the recruitment and use of children and immediately release all children present in their ranks.

64. I welcome the signing of an agreement between the Government of Colombia and FARC-EP for the separation and reintegration of all children associated with FARC-EP, as well as the beginning of the implementation of this agreement, with the separation of a first group of children. I encourage the negotiating parties to ensure its implementation in compliance with the guiding principles outlined in the agreement, in particular the best interests of the child and the treatment of children primarily as victims. Recalling the past inability to prevent demobilized members from being re-recruited by criminal organizations or armed groups, I urge the Government to ensure that the reintegration needs of children affected by the armed conflict are addressed as a matter of utmost priority.

65. I reiterate my full support for the peace process initiated by the Government of Colombia with FARC-EP and I commend those who have played the roles of guarantor and accompanying countries for their leadership and contribution to achieving peace in Colombia. I call on the international community to continue to provide political and financial support to Colombian peacebuilding initiatives and the implementation of the peace agreements, with particular attention to the impact on children affected by the conflict in remote areas and in Afro-Colombian and indigenous communities.

66. I welcome the announcement of the road map for the peace talks with ELN and I urge the negotiating parties to begin the formal dialogue as soon as possible. I also call on the negotiating parties and facilitators to consider the issue of children in the early stages of the peace process in order to ensure the adoption of specific commitments for the protection of children ahead of the demobilization phase. The United Nations stands ready to provide support, in particular with regard to addressing the needs of children separated from armed groups.

67. I commend the progress that the Government of Colombia has made in preventing and responding to the recruitment and use of children. I urge the Government to take into account the findings of its evaluation of CONPES 3673, carried out in 2015, which highlighted persistent gaps and challenges in terms of coordination, budget and lack of measurable and sustainable impact at local levels. In this regard, I welcome the creation of the Colombia in Peace Fund through CONPES 3850 (2015), to improve funding of local peace initiatives.

68. In terms of assistance to children separated from armed groups, I urge the Government to redouble its efforts to strengthen family reunification, gender-sensitive protection and care services, as well as to provide adequate support to the receiving communities to ensure successful reintegration. It is equally important to provide viable socioeconomic alternatives and psychosocial support for children at risk of joining other armed groups.

69. I welcome judgement 069 of the Constitutional Court of February 2016 to ensure that all child victims of recruitment can be included in the victims' register and receive reparations, regardless of the armed group with which they were formerly associated. However, I am concerned at the recurrent pattern of violations committed against children by post-demobilization groups and I urge the Government to continue its efforts to protect children from such groups.

70. I am concerned at the persistence of rape and other forms of sexual violence against children and I call upon all armed groups to stop such violations immediately. I also urge the Government to ensure that the military complies with the zero tolerance policy on sexual violence and to investigate, prosecute and sanction anyone found responsible for such violations.

71. I welcome the positive steps made in the area of humanitarian demining and mine risk education and I call on armed groups to end immediately and definitively the use of indiscriminate explosive devices that cause death or injury to children.

72. With regard to transitional justice, priority should be given to the special protection needs of children as victims, but also as witnesses, and as perpetrators when associated with armed groups, through restorative justice processes and social rehabilitation, in accordance with their best interests.

73. Considering the linkages between displacement and violations against children, I encourage the Government to ensure a protective environment conducive to the voluntary, safe and dignified return of the displaced populations to their communities of origin by providing them with access to basic services, including education and health care.



Security Council

Distr.: General
6 October 2016

Original: English

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling resolution 2240 (2015) and Presidential Statement 2015/25,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

Welcoming the Secretary-General's report S/2016/766,

Recalling that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, sets out the legal framework applicable to activities in the ocean,

Reaffirming also the United Nations Convention against Transnational Organized Crime (UNTOC Convention) and its Protocol against the Smuggling of Migrants by Land, Air and Sea, as the primary international legal instruments to combat the smuggling of migrants and related conduct, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UNTOC Convention, as the primary international legal instruments to combat trafficking in persons,

Underlining that, although the crime of smuggling of migrants may share, in some cases, some common features with the crime of trafficking in persons, Member States need to recognize that they are distinct crimes, as defined by the UNTOC Convention and its Protocols, requiring differing legal, operational, and policy responses,

Deploring the continuing maritime tragedies in the Mediterranean Sea that have resulted in thousands of casualties, and *noting with concern* that such casualties were, in some cases, the result of exploitation and misinformation by transnational criminal organizations which facilitated the illegal smuggling of migrants via dangerous methods for personal gain and with callous disregard for human life,



Expressing grave concern at the ongoing proliferation of, and endangerment of lives by, the smuggling of migrants in the Mediterranean Sea, in particular off the coast of Libya and *reiterating* that among these migrants may be persons who meet the definition of a refugee under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto,

Emphasizing in this respect that migrants, including asylum seekers and regardless of their migration status, should be treated with humanity and dignity and that their rights should be fully respected, and *urging* all States in this regard to comply with their obligations under international law, including international human rights law and international refugee law, as applicable, *stressing also* the obligation of States, where applicable, to protect the human rights of migrants regardless of their migration status, including when implementing their specific migration and border security policies,

Reaffirming in this respect the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability,

Further recalling the International Convention for the Safety of Life at Sea and the International Convention on Maritime Search and Rescue,

Expressing further concern that the situation in Libya is exacerbated by the smuggling of migrants and human trafficking into, through and from the Libyan territory, which could provide support to other organized crime and terrorist networks in Libya,

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

Underlining the primary responsibility of the Government of National Accord to take appropriate action to prevent the recent proliferation of, and endangerment of lives by, the smuggling of migrants and human trafficking through the territory of Libya and its territorial sea,

Mindful of the need to support further efforts to strengthen Libyan border management, *considering* the difficulties of the Government of National Accord to manage effectively the migratory flows in transit through Libyan territory, and *noting* its concern for the repercussions of this phenomenon on the stability of Libya and of the Mediterranean region,

Welcoming ongoing support by the most concerned Member States, including Member States of the European Union (EU), taking into account inter alia the role of FRONTEX and the specific mandate of EUBAM Libya in support of the Government of National Accord, and by neighbouring States,

Acknowledging the European Council Conclusions of 20 June 2016 and the press statement of the African Union Peace and Security Council of 16 February

2016 which underlined the need for effective international action to address both the immediate and long-term aspects of illegal migration and human trafficking towards Europe,

Taking note of the Decision of the Council of the European Union of 20 June 2016 to extend the mandate of 'EUNAVFOR Med Operation Sophia and to expand it, including capacity-building assistance and training to the Libyan Coastguard and Navy in law enforcement at sea, in particular to prevent human smuggling and trafficking,

Taking further note of the ongoing discussions between the EU and the Government of National Accord on migration-related issues,

Expressing also strong support to the States in the region affected by the smuggling of migrants and human trafficking and *emphasizing* the need to step up coordination of efforts in order to strengthen an effective multidimensional response to these common challenges in the spirit of international solidarity and shared responsibility, to tackle their root causes and to prevent people from being exploited by migrant smugglers and human traffickers,

Acknowledging the need to assist States in the region, upon request, in the development of comprehensive and integrated regional and national strategies, legal frameworks, and institutions to counter terrorism, transnational organized crime, migrant smuggling, and human trafficking, including mechanisms to implement them within the framework of States' obligations under applicable international law,

Stressing that addressing both migrant smuggling and human trafficking, including dismantling smuggling and trafficking networks in the region and prosecuting migrant smugglers, and human traffickers requires a coordinated, multidimensional approach with States of origin, of transit, and of destination, and further *acknowledging* the need to develop effective strategies to deter migrant smuggling and human trafficking in States of origin and transit,

Emphasizing that migrants should be treated with humanity and dignity and that their rights should be fully respected, and *urging* all States in this regard to comply with their obligations under international law, including international human rights law and international refugee law, as applicable,

Bearing in mind the obligations of States under applicable international law to exercise due diligence to prevent and combat migrant smuggling and human trafficking, to investigate and punish perpetrators, to identify and provide effective assistance to victims of trafficking and migrants and to cooperate to the fullest extent possible to prevent and suppress migrant smuggling and human trafficking,

Reaffirming the necessity to put an end to the ongoing proliferation of, and endangerment of lives by, the smuggling of migrants and trafficking of persons in the Mediterranean Sea off the coast of Libya, and, for these specific purposes, acting under Chapter VII of the Charter of the United Nations,

1. *Condemns* all acts of migrant smuggling and human trafficking into, through and from the Libyan territory and off the coast of Libya, which undermine further the process of stabilization of Libya and endanger the lives of hundreds of thousands of people;

2. *Reiterates its calls* on Member States acting nationally or through regional organizations, including the EU, to cooperate with the Government of National Accord and with each other, including by sharing information to assist Libya, upon request, in building needed capacity including to secure its borders and to prevent, investigate and prosecute acts of smuggling of migrants and human trafficking through its territory and in its territorial sea; in order to prevent the further proliferation of, and endangerment of lives by, the smuggling of migrants and human trafficking into, through and from the territory of Libya and off its coast;

3. *Urges* Member States and regional organizations, in the spirit of international solidarity and shared responsibility, to cooperate with the Government of National Accord, and with each other, including by sharing information about acts of migrant smuggling and human trafficking in Libya's territorial sea and on the high seas off the coast of Libya, and rendering assistance to migrants and victims of human trafficking recovered at sea, in accordance with international law;

4. *Urges* States and regional organizations whose naval vessels and aircraft operate on the high seas and airspace off the coast of Libya, to be vigilant for acts of migrant smuggling and human trafficking, and in this context, *encourages* States and regional organizations to increase and coordinate their efforts to deter acts of migrant smuggling and human trafficking, in cooperation with Libya;

5. *Calls upon* Member States acting nationally or through regional organizations that are engaged in the fight against migrant smuggling and human trafficking to inspect, as permitted under international law, on the high seas off the coast of Libya, any unflagged vessels that they have reasonable grounds to believe have been, are being, or imminently will be used by organized criminal enterprises for migrant smuggling or human trafficking from Libya, including inflatable boats, rafts and dinghies;

6. *Further calls upon* such Member States to inspect, with the consent of the flag State, on the high seas off the coast of Libya, vessels that they have reasonable grounds to believe have been, are being, or imminently will be used by organized criminal enterprises for migrant smuggling or human trafficking from Libya;

7. *Decides* that, for a further period of twelve months from the date of adoption of this resolution to renew the authorizations as set out in paragraphs 7, 8, 9 and 10 of resolution 2240 (2015) and otherwise reiterates the content of those paragraphs;

8. *Reaffirms* that the authorizations provided in paragraphs 7 and 8 of resolution 2240 (2015) apply only with respect to the situation of migrant smuggling and human trafficking on the high seas off the coast of Libya and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under UNCLOS, including the general principle of exclusive jurisdiction of a flag State over its vessels on the high seas, with respect to any other situation, and that the authorization provided in paragraph 10 in resolution 2240 (2015) applies only in confronting migrant smugglers and human traffickers on the high seas off the coast of Libya;

9. *Underscores* that this resolution is intended to disrupt the organized criminal enterprises engaged in migrant smuggling and human trafficking and prevent loss of life and is not intended to undermine the human rights of individuals or prevent them from seeking protection under international human rights law and international refugee law;

10. *Emphasizes* that all migrants, including asylum seekers, should be treated with humanity and dignity and that their rights should be fully respected, and urges all States in this regard to comply with their obligations under international law, including international human rights law and international refugee law, as applicable;

11. *Urges* Member States and regional organizations acting under the authorizations referred to in paragraph 7 of this resolution to have due regard for the livelihoods of those engaged in fishing or other legitimate activities;

12. *Calls upon* all States, with relevant jurisdiction under international law and national legislation, to investigate and prosecute persons responsible for acts of migrant smuggling and human trafficking at sea, consistent with States' obligations under international law, including international human rights law and international refugee law, as applicable;

13. *Calls* for Member States to consider ratifying or acceding to, and for States Parties to effectively implement the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

14. *Requests* States utilizing the authority of this resolution to inform the Security Council within three months of the date of adoption of this resolution and every three months thereafter on the progress of actions undertaken in exercise of the authority provided in paragraph 7 above;

15. *Requests* the Secretary-General to report to the Security Council eleven months after the adoption of this resolution on its implementation, in particular with regards to the implementation of paragraph 7 above;

16. *Expresses* its intention to continue to review the situation and consider, as appropriate, renewing the authority provided in this resolution for additional periods;

17. *Decides* to remain seized of the matter.



**General Assembly
Security Council**

Distr.: General
11 October 2016

Original: English

**General Assembly
Seventy-first session**

Agenda item 68 (c)

**Promotion and protection of human rights:
human rights situations and reports of special
rapporteurs and representatives**

**Security Council
Seventy-first year**

**Letter dated 3 October 2016 from the Permanent Representative of
Ukraine to the United Nations addressed to the Secretary-General**

I have the honour to enclose herewith the comments of the Ministry of Foreign Affairs of Ukraine on the detention of Ukrainian journalist Roman Sushchenko (see annex).

I would appreciate your kind assistance in having the present letter and its annex distributed as a document of the General Assembly, under agenda item 68 (c), and of the Security Council.

(Signed) Volodymyr Yelchenko
Ambassador
Permanent Representative



Annex to the letter dated 3 October 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Comments of the Ministry of Foreign Affairs of Ukraine on the detention of Ukrainian journalist Roman Sushchenko

The Ukrainian Ministry of Foreign Affairs strongly protests the arbitrary detention in Moscow of Ukrainian citizen and correspondent of the national information agency "Ukrinform" in France Roman Sushchenko on 30 September 2016 by the Federal Security Service.

We are deeply outraged that the Ukrainian journalist, who had arrived in the Russian Federation to visit relatives, was detained by the Russian authorities on trumped-up charges of "espionage".

We consider this yet another step in the Russian Federation's purposeful policy to use Ukrainians who find themselves in the hands of the Russian authorities as political hostages in its hybrid aggression against our country. The fact that in his professional work and everyday values Roman Sushchenko is a man who defends objectivity and freedom of speech only proves that Moscow is officially waging war not only against Ukraine, but against the entire democratic world, where human rights and freedom are fundamental values.

We demand that the Russian Federation protect the rights of the Ukrainian and immediately allow consular officials access to the detainee in accordance with obligations that Russia has assumed under international law, as well as his immediate return, unharmed and unhindered, to his homeland.

The Ministry of Foreign Affairs of Ukraine also appeals to the international community, in particular the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe, and all reputable human rights organizations not to ignore the blatant arbitrary nature of the Russian Federation's actions, and to strengthen joint efforts to bring about an early end to Moscow's human rights violations and pressure on independent journalists.

**Security Council**

Distr.: General
4 October 2016

Original: English

**Report of the Secretary-General on the implementation of
the Peace, Security and Cooperation Framework for the
Democratic Republic of the Congo and the Region****I. Introduction**

1. The present report is submitted pursuant to Security Council resolution 2277 (2016), in which the Council requested me to report on the implementation of the commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region.¹ It covers developments since the issuance of my report of 9 March 2016 (S/2016/232) and provides information on peace and security developments in the eastern Democratic Republic of the Congo and the Great Lakes region until 20 September 2016.

II. Major developments**A. Political and security developments**

2. Efforts to neutralize active armed groups in the eastern Democratic Republic of the Congo, including the Forces démocratiques de libération du Rwanda (FDLR) and the Allied Democratic Forces (ADF), continued. With support from the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the Forces armées de la République Démocratique du Congo (FARDC) resumed operations against FDLR on 23 May. FARDC-led offensives, supported by MONUSCO, against ADF and affiliated groups continued in the Beni area in North Kivu. Unfortunately, those operations did not prevent ADF from committing atrocities in Beni on 13 and 14 August. Indeed, brutal attacks by ADF against civilian populations have continued, given that the armed group has managed to retain its capacity to launch deadly attacks, notwithstanding ongoing

¹ In this context, the region includes the 13 signatories to the Peace, Security and Cooperation Framework, namely, Angola, Burundi, the Central African Republic, the Congo, the Democratic Republic of the Congo, Kenya, Rwanda, South Africa, South Sudan, the Sudan, Uganda, the United Republic of Tanzania and Zambia. In addition, the following four intergovernmental organizations act as witnesses/guarantors of the Framework: the African Union, the International Conference on the Great Lakes Region, the Southern African Development Community and the United Nations.



efforts by the Congolese army and MONUSCO to reduce its strength and area of operation. Operations were also conducted to dismantle some camps of the Forces de résistance patriotiques de l'Ituri.

3. The implementation of the Nairobi Declarations by the Government of the Democratic Republic of the Congo and the former Mouvement du 23 mars (M23) made notable progress. Efforts by my Special Envoy, in conjunction with the representatives of the guarantors of the Peace, Security and Cooperation Framework, are detailed in section IV below.

4. On the political front, dialogue processes in Burundi and the Democratic Republic of the Congo have yet to yield significant results. Further information on support for dialogue processes is provided in section IV below, under the activities of my Special Envoy. The situation in South Sudan improved slightly, following the return and appointment of Riek Machar as First Vice-President in April 2016. That improvement was short-lived, however, as the Sudan People's Liberation Army and the Sudan People's Liberation Army in Opposition resumed fighting in and around Juba from 7 to 11 July. The clashes resulted in a high death toll, including of many civilians. Further details on the country's situation and ongoing efforts to resolve the crisis are provided in my most recent report on South Sudan (S/2016/552).

5. The President of Uganda, Yoweri Museveni, was sworn in on 12 May, following his re-election in February. Opposition leader Kizza Besigye was arrested and charged with treason for organizing a mock inauguration ceremony. He was released in July.

6. In Zambia, notwithstanding the holding of peaceful elections on 11 August, significant tensions were recorded during the campaign. On 15 August, the Zambian Electoral Commission announced that the incumbent President, Edgar Lungu, candidate of the ruling Patriot Front party, had won the election over his closest challenger, Hakainde Hichilema, of the opposition United Party for National Development.

7. The sixth Ordinary Summit of the Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) was held in Luanda from 11 to 14 June under the theme "Accelerating the effective implementation of the Pact and its Protocols for a more democratic and stable Great Lakes Region", with the President of Angola, José Eduardo dos Santos, serving as Chair. My Special Envoy briefed the Summit and the preceding ministerial meetings. During the Summit, a new executive secretary, Zachary Muburi-Muita of Kenya, was appointed to head the ICGLR secretariat. The Summit leaders called upon the United Nations to lift the arms embargo against the Central African Republic, urged all political actors in the Democratic Republic of the Congo to participate in the political dialogue and reiterated their full support for the African Union Facilitator, Edem Kodjo. In addition, the leaders welcomed the resumption, in Arusha, United Republic of Tanzania, of the work of the National Commission for the inter-Burundian Dialogue, led by the East African Community, and encouraged the Government of Burundi and the opposition to commit themselves to the process. They also invited Burundi and Rwanda to resolve their differences through diplomatic means and took note of the willingness of the President of Angola to assist both countries in that regard.

8. The Summit leaders welcomed and pledged their support for the agreement between the Presidents of the Democratic Republic of the Congo, Kenya, Uganda and

the United Republic of Tanzania to establish a joint follow-up mechanism to address the growing threat from ADF. Regarding FDLR, the Summit leaders urged the United Nations and other parties concerned to accelerate the repatriation to Rwanda, or the resettlement to third countries outside the region, of surrendered FDLR combatants held in cantonment camps in the Democratic Republic of the Congo. The leaders endorsed the activities undertaken by the representatives of the guarantors of the Peace, Security and Cooperation Framework with regard to the neutralization of negative forces and recommended sustained engagement with the Government of the Democratic Republic of the Congo and former M23.

B. Humanitarian situation

9. As noted in my previous report (S/2016/232), the influx of Burundian refugees into the Democratic Republic of the Congo, Rwanda, Uganda and the United Republic of Tanzania since April 2015 remains a matter of concern requiring urgent action. Notwithstanding efforts by United Nations humanitarian agencies and their partners to deal with the refugee emergency in the region, several needs remain unmet. Considerable resources are required to deliver adequate assistance to the refugee population.

10. The humanitarian situation in the Democratic Republic of the Congo remained very challenging, in particular in the east. Continued activities by armed groups and a reported increase in intercommunal tensions contributed to the displacement of 367,000 people in the first half of 2016, totalling 1.7 million displaced persons throughout the country. The eastern provinces also host the most refugees from neighbouring countries, totalling 388,000 people, originating mainly from Burundi, the Central African Republic, Rwanda and South Sudan. Moreover, a yellow fever epidemic spread to 7 of the country's 26 provinces. A cholera epidemic also continued to affect the population, mainly in eastern provinces and along the Congo River.

11. In Burundi, political instability and insecurity are increasingly disrupting livelihoods, in particular in Bujumbura. In that regard, humanitarian needs are increasing: 550,000 people are severely food insecure, 1.1 million people require protection and health services and 200,000 children require education assistance. Some 5 million people have contracted malaria since January 2016, more than double the number in 2015. Furthermore, more than 286,000 Burundians have fled to neighbouring countries and an estimated 108,500 are internally displaced.

12. Uganda saw a continued influx of refugees, including a growing number of arrivals from South Sudan. An average of 1,000 to 2,000 refugees from South Sudan arrive in Uganda every day, totalling more than 30,000 a month and exceeding the total number of 24,000 South Sudanese refugees that had arrived in the first quarter of 2016. As at 31 July, 42 per cent of the 568,400 refugees hosted by Uganda originated from South Sudan.

C. Human rights and judicial cooperation

13. International humanitarian and human rights violations were reported across the region. Those violations included the deliberate targeting of civilians and human rights activists, sexual violence, enforced disappearances, arbitrary arrest and detention and the recruitment of children into armed groups. Violations of

international humanitarian norms and principles threatened the safety and security of communities, humanitarian workers and vulnerable civilian populations in affected areas. For instance, in Burundi, the Democratic Republic of the Congo, South Sudan and Zambia, there were reports of violence and human rights violations in the context of political dialogue, peace processes and elections. Such incidents call for more vigilance and action to protect the fundamental rights of all participants in political processes.

III. Implementation of the Peace, Security and Cooperation Framework

A. Commitments of the Democratic Republic of the Congo

14. Detailed information on the implementation of the national commitments of the Democratic Republic of the Congo is contained in my reports on MONUSCO of 28 June 2016 (S/2016/579) and 30 September 2016 (S/2016/833).

B. Commitments of the region

15. Efforts by signatories to implement their regional commitments under the Peace, Security and Cooperation Framework yielded mixed results, in particular with regard to the commitments relating to non-interference in the affairs of neighbouring countries; respect for the sovereignty and territorial integrity of neighbouring States and respect for the legitimate security concerns and interests of neighbouring States. While the Democratic Republic of the Congo, Rwanda and Uganda held separate high-level meetings to address issues of mutual concern and improve bilateral cooperation, relations between Burundi and Rwanda soured amid claims and counterclaims relating to the presence of a large number of Burundian refugees in Rwanda. During a meeting of ministers for foreign affairs held in Luanda on 12 June, in preparation for the sixth Ordinary Summit of ICGLR, Burundi reiterated a request to task the Expanded Joint Verification Mechanism of ICGLR with verifying allegations of the recruitment of Burundian youth into armed groups in refugee camps in Rwanda. Those allegations and request were rejected by Rwanda, which argued that it had no interest in destabilizing Burundi and suggested addressing the issue bilaterally.

16. Other cases relating to cross-border infractions in the region were successfully referred to the Expanded Joint Verification Mechanism. Among those cases was a tragic incident on Lake Albert on 21 May, involving the marine force of the Democratic Republic of the Congo and the Ugandan police. Three Ugandan police officers were reportedly killed and another one injured during an exchange of fire between the two sides. Unfortunately, the Mechanism could not investigate the incident, owing to a lack of funds and logistical supplies.

17. The foregoing notwithstanding, the leaders of the Democratic Republic of the Congo, Rwanda and Uganda continued to strengthen cooperation and improve their relations. For example, on 4 August, the President of the Democratic Republic of the Congo, Joseph Kabila, paid a visit to the President of Uganda. The two leaders discussed, among other things, security issues, including ways to strengthen the fight against ADF. They agreed on a joint intelligence and security plan to fight rebel groups active along their common border. Furthermore, the President of the

Democratic Republic of the Congo and President of Rwanda, Paul Kagame, met in the margins of the twenty-seventh Summit of the African Union, held in Kigali in July, and again in Gisenyi, Rwanda, on 12 August. During the meeting in Gisenyi, they agreed to strengthen bilateral cooperation by boosting cross-border trade and energy production from the exploitation of methane gas in Lake Kivu. The two Presidents also agreed on the need to establish an intelligence-sharing mechanism to enhance security along their common border.

18. Progress was also made with regard to the regional commitment to facilitate the administration of justice through judicial cooperation. For example, in March, the Congolese authorities repatriated Rwandan Ladislas Ntaganzwa, wanted for his role in the 1994 genocide in Rwanda. The signatory Governments also showed growing interest in bringing counterparts together to share information and experiences on complex legal matters relating to judicial cooperation.

C. International commitments

19. On 21 March, the Security Council held an open debate on the maintenance of international peace and security and the prevention and resolution of conflicts in the Great Lakes region, chaired by the Minister for Foreign Affairs of Angola, Georges Chicoti. On that occasion, I launched the United Nations Great Lakes Regional Strategic Framework 2016-2017 to support the implementation of the Peace, Security and Cooperation Framework. I also requested my Special Envoy to work with the Regional United Nations Development Group and country representatives of United Nations agencies, funds and programmes to facilitate the implementation of the Framework and strengthen the nexus between peace and development in the region.

20. On 4 May, my Special Envoy participated in a meeting of the International Contact Group for the Great Lakes region in Stockholm. He shared his views on how the international community could support the ongoing political dialogue, facilitated by the African Union, in the Democratic Republic of the Congo. Participants expressed concern over shrinking political space, reported human rights violations and the arrest of members of the opposition. With regard to the dialogue on Burundi, the Contact Group commended the efforts of the East African Community Facilitator, the former President of the United Republic of Tanzania, Benjamin Mkapa, for relaunching the talks. Participants committed themselves to supporting the process and stressed that the Arusha Peace and Reconciliation Agreement for Burundi remained crucial for peace and stability in the country.

21. On 20 June, the Office of my Special Envoy, the German Agency for International Cooperation, ICGLR, and the delegation of the European Union to Burundi met in Bujumbura to discuss finalizing a European Union-sponsored regional project worth 10 million euros that is intended to operate from 2017 to 2020. The project will support the implementation of the Peace, Security and Cooperation Framework and the 2006 ICGLR pact on security, stability and development in the Great Lakes region in five areas: natural resource management, the Expanded Joint Verification Mechanism, disarmament, demobilization, reintegration and resettlement or repatriation, judicial cooperation and capacity-building for the ICGLR Secretariat.

D. Oversight mechanisms of the Peace, Security and Cooperation Framework

22. In an effort to enhance ownership by signatory States, the Government of Zambia hosted the thirteenth meeting of the Technical Support Committee of the Peace, Security and Cooperation Framework, held in Lusaka on 13 May. The meeting reviewed progress made in the implementation of national, regional and international commitments and recommended an assessment of the Framework's implementation.

23. At the sixth Ordinary Summit of ICGLR, held in Luanda on 14 June, my Special Envoy provided an update on the guarantors' efforts to strengthen the governing structures of the Framework and enhance the signatories' ownership of its implementation. Summit participants endorsed the recommendations put forward, notably to delink the meetings of the Regional Oversight Mechanism from the General Assembly and the Summit of the African Union, and to have signatory States host annual meetings of the Mechanism on a rotational basis. This reform is intended to enable more focused meetings and improve decision-making within the Mechanism. The next meeting of the Mechanism is expected to be held in Luanda on 26 October 2016.

IV. Activities of my Special Envoy

24. My Special Envoy continued his good offices to help to neutralize negative forces in the eastern Democratic Republic of the Congo. He also continued to support the dialogue process in the country and efforts to help to implement the Nairobi Declarations and promote democratic processes in the region. Furthermore, he and his Office took several initiatives to promote women, young people and civil society, promote durable solutions to refugee issues, facilitate the administration of justice through judicial cooperation and promote economic development in the region.

A. Implementation of the Nairobi Declarations

25. From 25 to 29 April, my Special Envoy led a team of representatives of the guarantors of the Peace, Security and Cooperation Framework to the Democratic Republic of the Congo, Rwanda and Uganda to engage the parties on the implementation of the Nairobi Declarations.

26. In Rwanda and Uganda, the delegation urged the leaders of the former M23 to uphold their commitments and submit to the voluntary repatriation process. It also encouraged the designated coordinator of the former M23 to participate in forthcoming meetings to be convened in Kinshasa by the National Oversight Mechanism and established by the Government of the Democratic Republic of the Congo. The guarantors secured the necessary assurances, notably from the Congolese authorities, that delegates of the former M23 would not be arrested or intimidated while in Kinshasa.

27. Thanks to those efforts, two joint evaluation meetings were held in Kinshasa on 27 and 28 May and on 27 and 28 June between representatives of the Government and a delegation of former M23 led by its coordinator, Désiré Rwigema. The status of implementation of all the provisions in the Nairobi Declarations was reviewed

during the meeting in May. During the same meeting, officials from the Ministry of Foreign Affairs, the Ministry of Interior and the Congolese intelligence services discussed the status of implementation of the Nairobi Declarations with the former M23. The parties shared their perspectives on ways to overcome outstanding challenges, including those relating to an amnesty, the release of prisoners belonging to the former M23, the transformation of the former M23 into a political party, disarmament, demobilization, reintegration and resettlement or repatriation and the repatriation of the former M23 elements still held in Rwanda and Uganda. During the meeting held in June, at the expert level, the guarantors encouraged the National Oversight Mechanism and representatives of the former M23 to maintain direct communication channels and to facilitate information-sharing and the organization of future meetings.

28. The faction of former M23 in Rwanda, led by bishop Jean-Marie Runiga, was registered as a political party in the Democratic Republic of the Congo on 30 May, under the name "Alliance pour le salut du peuple". Reacting to that development through a communiqué issued in Kampala on 2 June, Bertrand Bisimwa, the ex-M23 political leader who signed the Nairobi Declarations, stated that no decision had been made to transform the movement into a political party.

B. Neutralization of negative forces

29. From 23 to 26 May, my Special Envoy and representatives of the other guarantors conducted field visits to Goma, Mavivi and Eringeti (Beni territory), Kanyabayonga and Nyamilima (Rutshuru territory) and Munigi (Nyiragongo territory) in North Kivu in the eastern Democratic Republic of the Congo. The visits were intended to take stock of progress and the key challenges in the neutralization of negative forces, formulate recommendations to strengthen political and security measures in support of their neutralization, including steps to stem their illegal economic activities, explore ways to accelerate the repatriation of disarmed FDLR ex-combatants to Rwanda and show solidarity with local populations victimized by negative forces. The delegation engaged with a wide range of stakeholders, including government officials, MONUSCO, the Expanded Joint Verification Mechanism, community representatives and ex-combatants.

30. During the delegation's meeting with the Governor of North Kivu, Julien Paluku, the latter highlighted efforts made by FARDC, supported by MONUSCO, to eliminate negative forces. He requested that data collected by MONUSCO drones be shared with the Government of the Democratic Republic of the Congo in order to enhance operations against negative forces. The Governor highlighted growing tension between Nande and Hutu communities and the implications of such tension for long-term stability in the region. He also stated that the fight against FDLR was being complicated by the fact that FDLR combatants were allegedly sheltered and supported by Rwandan Hutu refugees in camps for internally displaced persons. He called for more efforts to be made for the biometric registration of Rwandan refugees.

31. The delegation conveyed its condolences to the people in Eringeti and Beni following a series of brutal attacks by ADF. It commended FARDC for leading the fight against negative forces under difficult conditions and reiterated the urgency of boosting joint operations with MONUSCO. It urged the local population to cooperate with FARDC and MONUSCO by sharing information on ADF activities. Addressing

ex-combatants of FDLR who had surrendered in December 2014 but who have opposed repatriation to Rwanda, the delegation urged them to cooperate without preconditions. It assured those ex-combatants of the international community's commitment to support a safe and dignified repatriation process.

32. On 30 May, my Special Envoy travelled to Luanda on a one-day visit to hold separate consultations with the Minister of Defence of Angola, João Manuel Lourenço, and the Minister for Foreign Affairs. During the meeting with the Minister of Defence, my Special Envoy provided an update on the guarantors' initiatives towards eliminating negative forces. He also drew the Minister's attention to the difficult financial situation of the Expanded Joint Verification Mechanism. My Special Envoy and the Minister for Foreign Affairs discussed the political dialogue in Burundi and the Democratic Republic of the Congo and of ways to promote greater ownership of the Peace, Security and Cooperation Framework by signatories.

33. In the margins of the sixth Ordinary Summit of ICGLR, my Special Envoy and the President of Angola exchanged views on challenges in the neutralization of negative forces. The President welcomed the collaborative approach promoted by the guarantors' representatives and expressed his country's readiness to host the next meeting of the Regional Oversight Mechanism.

34. On 20 June, my Special Envoy travelled to Brazzaville to meet the President of the Congo, Denis Sassou Nguesso. They discussed challenges relating to negative forces, dialogue processes in Burundi and the Democratic Republic of the Congo and ways to facilitate the full implementation of the Peace, Security and Cooperation Framework. The President expressed his country's readiness to host a meeting of the Regional Oversight Mechanism in 2017.

35. Building on the outcome of the sixth Ordinary Summit, my Special Envoy and his Office and the ICGLR secretariat organized a meeting of ministers of defence of select States members of ICGLR and the Southern African Development Community (SADC) in Nairobi on 20 July. The meeting was chaired by the Minister of Defence of Angola, acting as Chair of the ICGLR ministerial committee of defence. Ministers of defence and senior representatives of Angola, Burundi, the Democratic Republic of the Congo, Mozambique, Rwanda, Uganda, South Africa and the United Republic of Tanzania participated in the meeting, along with my Special Envoy, the MONUSCO Force Commander, the ICGLR Executive Secretary and officials from the African Union and SADC.

36. The ministers tasked the chiefs of defence staff of ICGLR and SADC States participating in the meeting with carrying out field visits to affected areas in the eastern Democratic Republic of the Congo, notably to camps hosting ex-combatants. They also tasked them with consulting the MONUSCO Force Intervention Brigade and officials from the Democratic Republic of the Congo on ways to strengthen operations against negative forces. They also called upon the ICGLR secretariat to swiftly establish the joint high-level follow-up mechanism agreed to at its previous Summit to tackle ADF recruitment in the region. Other recommendations included a call upon the intelligence services of States directly affected by the activities of negative forces in the eastern Democratic Republic of the Congo to strengthen coordination and information-sharing.

37. In addition, the ministers called upon other States members of ICGLR and SADC to consider contributing troops to MONUSCO or its Force Intervention

Brigade in order to intensify operations against negative forces. They noted the importance of a comprehensive approach to eliminating negative forces that combined military and non-military measures. In that regard, the meeting highlighted the need to enhance awareness-raising and communications efforts to encourage more combatants to surrender.

38. The ministers encouraged my Special Envoy and the ICGLR Executive Secretary to convene a meeting on the illegal exploitation and trade in natural resources by armed groups. In that regard, at the meeting, the need to identify States, corporations and individuals that benefited from illicit economic activities by negative forces and to impose sanctions on them, in accordance with United Nations sanctions regimes, was noted.

39. On 2 September, the ministers of defence of Angola, the Democratic Republic of the Congo, Kenya, Uganda and the United Republic of Tanzania met in Kampala to address the growing threat posed by ADF. MONUSCO was represented at the meeting. The ministers emphasized the critical role to be played by ICGLR structures, such as the Expanded Joint Verification Mechanism and the Joint Intelligence Fusion Centre. They also decided to establish a joint follow-up mechanism, to be headquartered in Kasese district, Uganda, and adopted its terms of reference. It was also agreed that an expert-level working group would meet in Kinshasa on 11 and 12 October to develop a budget for that mechanism and formulate a concept of operations. The ministers also recommended that simultaneous operations be conducted against ADF in all affected States.

40. The ministers encouraged the Government of the Democratic Republic of the Congo and its National Commission for Refugees to accelerate the biometric registration of Rwandan refugees in the eastern Democratic Republic of the Congo, with support from the Office of the United Nations High Commissioner for Refugees (UNHCR). They urged my Special Envoy and the ICGLR Executive Secretary to help to accelerate the voluntary repatriation of refugees, including through existing tripartite agreements.

C. Support for dialogue processes in the Democratic Republic of the Congo and the Region

41. In line with Security Council resolutions 2211 (2015) and 2277 (2016), my Special Envoy advocated dialogue to promote timely, peaceful and credible elections in the region.

42. My Special Envoy, together with my Special Representative and Head of MONUSCO, continued to strive to enhance the credibility of the ongoing political dialogue in the Democratic Republic of the Congo. On 30 April, my Special Envoy and my Special Representative met representatives of the ruling coalition and the main opposition parties, namely, the Union pour la démocratie et le progrès social (UDPS), the Dynamique de l'opposition and the Groupe des sept partis politiques. Those consultations were intended to assess the parties' positions on the dialogue and assess what the international community could do to promote an inclusive process leading to peaceful and credible elections.

43. On 4 July, my Special Envoy and my Special Representative travelled to Addis Ababa to consult with the Commissioner for Peace and Security of the African

Union, Smail Chergui, the African Union Facilitator and other partners. As a result, an international support group was established to support the Facilitator. It comprises representatives of the United Nations, the European Union, the International Organization of la Francophonie, ICGLR and SADC. It was also agreed that the United Nations and the International Organization of la Francophonie would second experts to assist the Facilitator.

44. Following the inaugural meeting of the international support group, my Special Envoy, the Commissioner for Peace and Security of the African Union and the managing director for Africa of the European External Action Service, Koen Vervaeke, gathered in Brussels on 9 July to meet the Comité des sages of the opposition coalition, the Rassemblement des forces politiques et sociales de la République démocratique du Congo acquises au changement, chaired by UDPS leader Étienne Tshisekedi.

45. During the meeting, the opposition leaders reiterated their rejection of the dialogue, as proposed by the Government, but stressed their commitment to a dialogue as envisioned by the Security Council. They agreed, in principle, to having the dialogue begin shortly after July. They set some preconditions for their participation, however, notably a demand that the Government take confidence-building measures, such as releasing political prisoners, and end what they considered to be the judicial harassment of opposition figures. They also insisted that the international support group play a more active role in the dialogue. During a separate meeting with my Special Envoy in Brussels on 8 July, opposition leader Moïse Katumbi welcomed the strong involvement of the support group and reiterated the opposition's call for the dialogue to be conducted in accordance with the Constitution of the Democratic Republic of the Congo and Security Council resolution 2277 (2016).

46. The African Union Facilitator, supported by a small team of experts, continued his consultations to complete preparations and launch the dialogue. On 24 July, the Rassemblement released a statement rejecting Mr. Kodjo as Facilitator, accusing him of bias. In an attempt to defuse tensions and overcome challenges in the process, my Special Envoy and other members of the international support group visited Kinshasa from 2 to 5 August to consult the parties and the Facilitator.

47. During those consultations, the parties presented conflicting views on the dialogue. The representatives of the ruling coalition recalled the Government's outreach to the opposition, notably its extensive consultations with UDPS, the leading opposition party. The Government also chided the Rassemblement's rejection of the African Union Facilitator and urged the latter to immediately convene the dialogue's preparatory committee. For their part, the leaders of the Rassemblement reiterated their conditions for participation, namely, the release of political prisoners, the cessation of judicial harassment of opposition figures and a more central role for the international support group in facilitating the dialogue. However, some opposition leaders expressed their readiness to accept Mr. Kodjo as Facilitator if the other conditions set by the Rassemblement were met.

48. The international support group expressed its appreciation to the Government for its decision of 22 July to release some political prisoners. It insisted that creating a propitious environment for the dialogue would require additional confidence-building measures. It urged opposition parties to join the dialogue in earnest and reiterated its support for the African Union Facilitator. Notwithstanding those

efforts, Mr. Tshisekedi informed the support group on 4 August that the Rassemblement's rejection of the Facilitator was "irrevocable".

49. On 19 August, the Government announced the release of 24 political prisoners of the 26 whose names had been submitted by the opposition. According to the Minister of Justice, Alexis Thambwe Mwamba, the measure was intended to ease tensions with the opposition. On 20 August, the African Union Facilitator issued a communiqué inviting designated representatives of political parties and civil society organizations to the first meeting of the preparatory committee, to be held on 23 August. Consistent with its position, the Rassemblement declined to attend the meeting and called for a general strike the same day.

50. From 7 to 15 September, my Special Envoy travelled to the Democratic Republic of Congo and joined other members of the international support group to support the national dialogue, which had begun on 1 September in Kinshasa, with 285 participants representing the ruling coalition, a section of the opposition, civil society and the Catholic Church. Following two weeks of intense negotiation, participants agreed on the sequencing of elections and decided to hold presidential, legislative and provincial elections simultaneously. They also agreed to hold local elections, along with the presidential, legislative and provincial elections, provided resources were available.

51. Participants further agreed on a complete update of the voter registry, and several delegates pointed to the need for adequate funding of the electoral cycle. The Minister of Justice, who co-moderated the dialogue on behalf of the ruling coalition, stated that the Government would fully fund the electoral cycle, whereas the opposition requested international financial support. Other contentious issues remained unresolved, notably the extension of the President's rule beyond the end of his current, and last, term and the role of Parliament during a proposed transition. While in Kinshasa, the international support group continued to encourage senior officials from the Rassemblement to join the dialogue. Notwithstanding those efforts, the Rassemblement maintained its decision not to participate in the talks.

52. The dialogue faced a major hurdle on 19 and 20 September, when demonstrations staged by some opposition parties turned violent and clashes between police and demonstrators resulted in the death of dozens of people.

53. My Special Envoy met the President of the Congo in Brazzaville on 12 September at the latter's request. The President urged the international support group to help the parties to reach a negotiated solution and advocated additional confidence-building measures. Previously, on 6 September, my Special Envoy met the Commissioner for Peace and Security of the African Union in Addis Ababa to further coordinate the efforts of the United Nations and the African Union. He also met his fellow envoys for and representatives of the Great Lakes region in Brussels on 16 September.

54. The crisis that erupted in Burundi, following the presidential election in 2015, continued. On 21 May, my Special Envoy participated in the resumption of the inter-Burundian dialogue in Arusha, United Republic of Tanzania. The Government of Burundi, political parties and civil society organizations were present. My Special Adviser and senior officials from Belgium and the United States of America, as well as from the African Union and the European Union, were also in attendance.

The opening ceremony was followed by four days of consultations between the East African Community Facilitator and the parties.

55. Following that meeting, the East African Community Facilitator travelled to Brussels on 10 June to consult representatives of the opposition platform Conseil national pour le respect de l'Accord d'Arusha pour la paix et la réconciliation au Burundi et la restauration de l'état de droit. The Facilitator succeeded in bringing the parties back to the dialogue in Arusha on 12 July. However, the talks resulted in a deadlock, as the Government of Burundi denounced the presence of opposition figures who, it alleged, had been involved in the attempted coup against the President, Pierre Nkurunziza, in May 2015.

56. My Special Envoy took advantage of a visit to Bujumbura on 10 and 11 August to consult with the ICGLR secretariat and the United Nations Office to the African Union to convey messages on the dialogue process. During separate courtesy calls on the First Vice-President, Gaston Sindimwo, and the Minister for Foreign Affairs, Alain Nyamitwe, my Special Envoy encouraged the Government to fully engage in the dialogue and support the East African Community Facilitator. He also called for an improvement in the relationship between Burundi and Rwanda. He took note of concerns expressed by the Government, including organizational challenges relating to the dialogue, and reiterated the readiness of the United Nations to continue to support the process. On 8 September, the Facilitator briefed Heads of State and Government at the seventeenth Extraordinary Summit of the East African Community, held in Dar es Salaam, United Republic of Tanzania. The Summit endorsed the Facilitator's recommendations and directed the Council of Ministers to allocate a budget for the dialogue process.

D. Promotion of regional economic integration

57. As a follow-up to a conference on private sector investment, held in Kinshasa on 24 and 25 February, my Special Envoy continued to consult regional leaders and the business community to discuss next steps. On 16 May, he chaired the fifth meeting of the conference's steering committee, held in Nairobi on 16 May. Participants agreed to facilitate future conferences focusing on investors' interests, the needs of the region and the conclusions of the conference on private sector investment. It was also agreed that follow-up events should be spearheaded by the ICGLR private sector forum. On 20 May, my Special Envoy's team met officials from the Rwanda Development Board in Kigali for preliminary discussions on a follow-up investment conference, to be hosted by the Government of Rwanda.

E. Cooperation with regional partners

58. From 16 to 18 April, my Special Envoy attended a meeting of the Regional United Nations Development Group in Dakar to discuss the implementation of the United Nations Great Lakes Regional Strategic Framework 2016-2017, of which the Security Council took note on 26 March. On that occasion, he stressed the need for United Nations entities to strengthen synergies and work together on cross-border initiatives to tackle the root causes of conflict in the region. He also encouraged regional coordinators and directors to commit existing resources to the Framework and establish a cross-border trust fund to receive donor contributions.

59. On 16 May, my Special Envoy travelled to Rome to attend the first Italy-Africa ministerial conference. The gathering enabled high-level participants to discuss issues of common interest, such as the efforts to combat extremism and economic and socioenvironmental sustainability.

60. From 28 June to 1 July, my Special Envoy participated in expert workshops on the Great Lakes region, organized by the Government of Switzerland in Geneva. Participants included 11 special envoys and senior officials representing various Governments, namely, Belgium, China, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States, and institutions, including the African Union, the European Union and the International Organization of la Francophonie. Participants reflected on the role of the special envoy and the operational and political challenges that they faced in discharging their mandates. They also noted the need to develop a shared understanding of challenges and opportunities, define common objectives and harmonize action in support of regional efforts. In addition, they highlighted the need to strengthen collaboration among special envoys and representatives.

F. Promotion of women, young people and civil society organizations

61. My Special Envoy continued to work with partners to promote women in the region. He convened the second face-to-face-meeting of the advisory board of the Women's Platform for the Peace, Security and Cooperation Framework, held in New York on 21 March. Together with my Special Representative on Sexual Violence in Conflict and the Special Envoy of the Chairperson of the African Union Commission on Women, Peace and Security, Bineta Diop, he laid out a plan to strengthen the Women's Platform.

62. My Special Envoy convened a meeting in Goma, the Democratic Republic of the Congo, on 11 and 12 July to take stock of the progress made by the Women's Platform in assisting women at the grass-roots level through financial grants, capacity-building and empowerment initiatives. Participants deliberated on how to strengthen women's engagement in conflict resolution and peacebuilding, in accordance with Security Council resolution 1325 (2000). In addition, the United Nations Entity for Gender Equality and the Empowerment of Women facilitated a capacity-building session on policy development, conflict resolution and lessons learned from women's participation in peacebuilding. Participants adopted a declaration that underscored the plight of women and girls in the region and the urgent need for policies and action to attain durable peace, security and development.

G. Promotion of durable solutions for refugees and internally displaced persons

63. My Special Envoy and his Office has continued to work with UNHCR, the World Bank and other partners to develop new solutions to protracted displacement that safeguard the dignity of displaced persons and provide better opportunities, while providing greater support to host communities. His Office co-organized a two-day workshop, held in Nairobi on 6 and 7 June, on local integration as a solution to displacement. Government officials from Burundi, the Democratic Republic of the Congo, Rwanda, Uganda, the United Republic of Tanzania and Zambia, all of which

host large numbers of displaced persons, shared their perspectives and experiences on local integration as a solution to long-term displacement. The meeting confirmed growing interest, in the region and beyond, in devising innovative solutions for the millions of displaced persons in the Great Lakes region.

H. Judicial cooperation and efforts to combat impunity

64. In order to strengthen judicial cooperation and tackle impunity in the region, my Special Envoy and his Office and the ICGLR secretariat organized a two-day conference in Nairobi on 19 and 20 April. The meeting built on the growing awareness that regional judicial cooperation was necessary to combat impunity, a key commitment under the Peace, Security and Cooperation Framework. For the first time, the directors of prosecution and investigation services from Burundi, the Central African Republic, the Democratic Republic of the Congo, Kenya, Rwanda, South Sudan, the Sudan, Uganda and Zambia came together to examine obstacles to judicial cooperation in the region. The experts formulated recommendations for a practical approach to judicial cooperation to address various crimes, including sexual and gender-based violence, terrorism and crimes relating to the illegal exploitation of natural resources.

65. My Special Envoy and his Office supported a gathering in Entebbe, Uganda from 7 to 9 July of more than 40 experts, under the auspices of the ICGLR regional training facility on sexual and gender-based violence. The meeting brought together experts and officials from the region, as well as from Chad, Guinea-Bissau, Liberia, Madagascar and Mali. It concluded with recommendations to better protect victims and ensure that the perpetrators of sexual and gender-based violence were swiftly brought to justice.

V. Observations and recommendations

66. I am pleased to note that the signatories' efforts to reinvigorate the implementation of the Peace, Security and Cooperation Framework have yielded encouraging results.

67. I remain deeply concerned over political tensions relating to the electoral process in the Democratic Republic of the Congo. I reiterate my call upon all Congolese actors to exercise maximum restraint and to engage in the dialogue facilitated by the African Union. I commend the work done so far by the international support group and encourage it to continue its good offices in support of an inclusive political dialogue.

68. The continued presence of armed groups in the eastern Democratic Republic of the Congo remains a major obstacle to durable peace and security in the region. I commend FARDC for its great sacrifice in the fight against armed groups. I also welcome the steps taken by the guarantors of the Peace, Security and Cooperation Framework to help to neutralize armed groups and repatriate ex-combatants.

69. Intensified recruitment by ADF and recent massacres attributed to the group could signal an influx of external funds or the group's affiliation with foreign terror and criminal networks. I encourage the Presidents of the Democratic Republic of the Congo, Kenya, Uganda and the United Republic of Tanzania to establish the agreed

follow-up mechanism to tackle the threat posed by the group's expanded recruitment. In a region with a fast-growing young population, the capacity of armed groups to entice young people into criminal, extremist and terror networks must be addressed as a matter of urgency.

70. I am encouraged by the outcome of the meeting of ministers of defence, held in Nairobi on 20 July. The involvement of chiefs of defence staff to advise on ways to bolster operations against armed groups is likely to yield positive results. I also support the recommendation calling for States, corporations and individuals benefitting from illicit economic activities to be identified and sanctioned, in accordance with United Nations sanctions regimes. Furthermore, I look forward to the meeting dedicated to the illegal exploitation of natural resources by negative forces, which my Special Envoy and the ICGLR Executive Secretary are tasked with organizing.

71. I welcome the improvement of relations between the Democratic Republic of the Congo, Rwanda and Uganda. I commend recent steps to strengthen bilateral relations between the three countries, in particular in the areas of security and economic cooperation. It is my hope that the recent rapprochement is a harbinger of newfound trust and stability in the region.

72. I commend the States of the region for hosting large refugee populations and for attending to their needs. I welcome initiatives that bring Governments together to explore long-term solutions to the displacement crisis in the region. I call upon the international community, as well regional and subregional organizations, to support these efforts.

73. As demonstrated by the activities of my Special Envoy and the representatives of the other guarantors, the Peace, Security and Cooperation Framework continues to hold promise, notwithstanding the challenges confronting the region. For my Special Envoy to effectively support signatories in the implementation of their commitments, his Office should be granted adequate resources. The need to properly equip it was highlighted during the recent strategic review of his mandate, conducted pursuant to Security Council resolution 2277 (2016). I call upon the Security Council to endorse the recommendations of the strategic review, which I have transmitted separately.

74. Finally, I thank my Special Envoy and his Office for their continuous efforts to support the implementation of the Peace, Security and Cooperation Framework. I call upon the Security Council and the international community to continue to assist the signatory States with the implementation of their commitments.

**Security Council**

Distr.: General
5 October 2016

Original: English

**Letter dated 5 October 2016 from the President of the
International Residual Mechanism for Criminal Tribunals
addressed to the President of the Security Council**

I have the honour to write to you with regard to a matter involving the effective and efficient implementation of Security Council resolution 1966 (2010), which was adopted under Chapter VII of the Charter of the United Nations and by means of which the International Residual Mechanism for Criminal Tribunals was established and its statute adopted.

Aydin Sefa Akay, a former judge of the International Criminal Tribunal for Rwanda, having been nominated by the Government of Turkey, was elected by the General Assembly as a judge of the Mechanism for a four-year term of office beginning on 1 July 2012. Thereafter, and in the light of resolution 2269 (2016), the Secretary-General, following consultation with the President of the Security Council and the President of the General Assembly, appointed Mr. Akay for a new two-year term of office beginning on 1 July 2016.

On 25 July 2016, I assigned Mr. Akay as a member of the appeals bench in Case No. MICT-12-29-R, *The Prosecutor v. Augustin Ngirabatware*, the proceedings of which are ongoing.

On or about 21 September 2016, to the best of my understanding and belief, Mr. Akay was detained by law enforcement officials of the Government of Turkey in relation to allegations of conduct connected to the acts of 15 July 2016 directed against the constitutional order of Turkey. Following his arrest, Mr. Akay identified himself to the Turkish authorities as a judge of the Mechanism. The Secretariat, at senior levels, has also advised senior representatives of the Government of Turkey of Mr. Akay's status and functions as a judge of the Mechanism. These repeated efforts notwithstanding, Mr. Akay remains in detention and unable to perform his functions as a judge of the Mechanism.

Mr. Akay's arrest and ongoing detention have impeded, and continue to restrict, the effective and efficient implementation of the business of the Mechanism. First, as a result of his arrest and ongoing detention, Mr. Akay was unable to attend the first in-person plenary meeting of judges of the Mechanism convened at its branch in The Hague on 26 and 27 September 2016. Discussion of the important matters deliberated on that occasion, including amendments to the Rules of Procedure and Evidence of the Mechanism, was therefore deprived of the



benefit of Mr. Akay's views and contributions stemming from his long experience as an international judge.

Second, the appeals bench convened in *The Prosecutor v. Augustin Ndirabatware* is unable to proceed with completion of its judicial work, even as it is seized with active filings by the parties and has before it pending judicial decisions under current deliberation. Conscious of the instruction by the Security Council that the Mechanism operate in a lean, timely and cost-effective fashion, as expressed most recently in its resolution 2256 (2015), as well as of the potential impacts on the interests of justice, including judicial independence in international courts and tribunals, I am especially concerned as to the ongoing deleterious effect of Mr. Akay's situation on the discharge of core judicial functions of the Mechanism.

In view of the serious continuing effects of the present situation, and without prejudice to the determination of immunity in the case under the Statute of the Mechanism and the Convention on the Privileges and Immunities of the United Nations, I am compelled to draw the attention of the Security Council to the present matter and request its prompt consideration, so as to enable the Mechanism to continue and complete its work in the above proceedings through the speedy release of Mr. Akay from detention.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Theodor Meron
President

International Residual Mechanism for Criminal Tribunals
